HOUSE OF REPRESENTATIVES—*Monday, May 16, 1994*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 16, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS J. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, we remember with great praise those who have dedicated their lives by alleviating the pain of the neediest among us. For those who feed the hungry, provide shelter to homeless, protect those who are most vulnerable, heal those who are ill, and who encourage those who are weak, we express our appreciation. With thanksgiving we recall the many volunteers who use their abilities and time in a ministry of service so that hope will be reborn and shattered lives given solace and cheer. Bless all those good women and men who see in needy people Your divine image and Your eternal mark. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2440. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2024) "An Act to provide temporary obligational authority for the airport improvement program and to provide for certain airport fees to be maintained at existing levels for up to 60 days, and for other purposes" with an amendment.

The message also announced that the Senate agrees to the Report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the resolution (H. Con. Res. 218) "Concurrent resolution setting forth the congressional budget for the United States Government for the fiscal years 1995, 1996, 1997, 1998, and 1999.".

The message also announced that the Senate agrees to the Report of the Committee of Conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 636) "An Act to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.".

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 720. An act to clean up open dumps on Indian lands, and for other purposes.

S. 1935. An act to limit the acceptance of gifts, meals, and travel by Members of Congress and congressional staff, and for other purposes.

S.J. Res. 190. Joint resolution to designate May 15, 1994, National Peace Officers Memorial Day.

MEDICAL CENSORSHIP HAS BEEN LIFTED IN AMERICA

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, this is indeed a great day. Medical censorship has really been lifted in America. As Americans, we anticipate and accept our birthright of always being able to have access to the best scientific knowledge for treatment of our health issues. Yet, anything that had any impact on reproductive areas of women, no matter what kind of impact it had in other areas, had been forbidden to come into this country for a very long time.

Today, Mr. Speaker, the agreement was finalized and RU 486 will be brought into this country for the Food and Drug Administration trials. I will include in the RECORD a letter from a family I helped get RU 486 2 years ago. This was a man who had many surgeries for brain tumors and they told him he would be dead in several months if he could not get RU 486. That was his last hope of stopping the growth of the tumor.

The letter said that he had just had his MRI and the tumors are all gone. Thank goodness we will no longer have the kind of restrictions that were on when I was trying to get it and had to have congressional intervention to get it. Progress is beginning again for American women and everyone else.

The letter referred to follows:

ANDERSON ADVISORY, INC.
Atlanta, GA, May 6, 1994.

Representative PAT SCHROEDER,
U.S. Congress, Rayburn House Office Building, Washington, DC.

DEAR PAT: David and I wanted you to know that RU-486 has erased any sign of the four brain tumors David had when we met you in July, 1992.

David had an MRI yesterday after which we met with the doctor and received this wonderful news. The side-effects are minimal (certainly less than those of his three surgeries). Our family is living a normal, productive (and grateful) life.

We continue to thank you, Representative Wyden and your staffs for making this life-saving medicine available.

Sincerely,

DIXIE ANDERSON GROW.

THE FEDERAL RESERVE AND THE FEDERAL OPEN MARKET COMMITTEE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and because there is no designee of the minority leader, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes as the designee of the majority leader.

Mr. GONZALEZ. Mr. Speaker, as I have said repeatedly, the central decisionmaking committee of the Federal Reserve is the Federal Open Market Committee. It is here, since about 1923, the Federal Reserve Act of 1913 certainly did not provide for that, but a lot of things have happened since the enactment of that law and the creation of the Federal Reserve Board.

Today, Mr. Speaker, we would think that the Federal Reserve Board was sent from heaven, with no responsibility to anybody, but one thing for sure,

not to be accountable, either to Congress or the President. The Federal Open Market Committee, "open market" does not mean it is an open committee. It is closed doors, absolutely, strict secrecy. Of course, it has the all-powerful determination of what your standard of living is or is going to be or is currently being determined, and has been for some couple of decades, and that is certainly, too, the advantage of the traditional American standard of living that we have always boasted of. It is the one that determines the fate of an administration.

Members may think, as some citizens have written, very learned and experienced corporate heads who themselves have been involved in very, very effective and long-reaching financial transactions, both nationally and internationally, and they keep calling and writing and saying, "But we always assumed that the Congress would be there and would not have relinquished its total oversight jurisdiction, and vested this so-called board with such powers."

For many, many years past, and more recently on several repeated occasions, I have given my colleagues the intricacies of what is the Federal Reserve Board. It is not a government body, it is a creature of the private commercial banking system. I have gone into that before, so I will not repeat it. It simply amazes me how many of my colleagues and how many citizens of great position seem to be surprised that actually there is no accountability. It can determine the fate of an administration simply by such things as interest rates.

It is very interesting to me, I have been on the Committee on Banking, Finance and Urban Affairs, which used to be known as the Committee on Banking and Currency, and since 1975 has been known as the Committee on Banking, Finance and Urban Affairs, since I came to the Congress 32½ years ago.

Up until just relatively recently, no more than 8 years, every Federal Reserve Board Chairman that would appear before the committee would say that they had nothing to do with controlling interest rates, that those things were the result of, and they consistently repeated it, the profligacy of Congress and the market, so-called. Now they not only admit it, they brag about it.

The truth of the matter is, as I have pointed out, in a brief hearing before the committee, to the immediate predecessor Chairman of the Federal Reserve Board, Paul Volkmer, I asked him, "Isn't it a fact that today we no longer can control those forces that are now external to our shore that actually, no matter what we do domestically, will determine such things as interest rates?"

□ 1210

And he acceded to the point.

So, Mr. Speaker, even though they boast today openly, all those years they refused to accept that responsibility. But they can determine the fate of an administration by simply determining what it is they will pay, that is, the bankers, because the Federal Reserve Board is private. It is a corporation. The Congress does not have any stock in it. The President does not have any stock in it. The stock is owned by the commercial banks and the members of the Federal Reserve Board System. They can determine the price of treasuries and thereby in effect have such rippling effects as interest rates and determine the fate of an administration.

Mr. Speaker, actually this has happened. It happened in 1972, it happened again in 1980 when the prime interest rate went to the incredible rate of 21 percent.

Mr. Speaker, all history, as I have said repeatedly, shows that there is not one society that has survived usury. And if 21 percent prime interest rate is not usury or an extortionate interest rate, then I do not know what the definition of usury is.

Mr. Speaker, this forceful buy mysterious body known as the Federal Open Market Committee recently established a formal trilateral facility with two foreign governments that involves granting foreign loans and lines of credit. The Constitution says that only the Congress can do that, not even the President, only the Congress. That is what is wrong with this so-called trilateral setup. And what is wrong is the funds have never been appropriated, nor authorized, by the U.S. Congress. This is where so many of these corporate heads just in the last 10 days have communicated their shock. They were not award of that.

How many of my colleagues think that there are interest rate controls or usury laws? On the national level, we have not had any since the National Currency Act of 1865, which incidentally was foremost in Abraham Lincoln's mind when he was shot. He knew what was coming. But can my colleagues imagine any of my predecessors, at the beginning of my career, the chairman then thinking that interest rates would even reach, prime interest rates over 7 percent, much less 20 percent and 21 percent? Why, they would have and I am sure they have turned over in their grave 50 times. But not today.

The truth of the matter is, my colleagues, as optimistic as I am inherently, I think the time is long gone where through the ordinary course of events the Congress is going to regain power. Power, as Frederick Douglass said, never yields except on demand. It never has and it never will. Do we think these vast financial and banking and corporate oligarchs and plutocrats are going to yield this tremendous power of determining the fate of the financial and economic well-being of a whole country? Why, of course not. We can forget about it. Not willingly. Is the Congress going to rise? I hope, I always pray.

Mr. Speaker, five of the members of this Federal Open Market Committee who discussed and voted to authorize these lines of credit and permanent loan facilities to foreign countries have never been confirmed by the Senate and, therefore, are not constitutional officers, even if by strict legal definition such were the case. They were selected by the directors of the Federal Reserve banks, two-thirds of whom are elected by private commercial bankers, and there is and always has been serious doubt about the Fed's unilateral claim to the power to make these deals.

Mr. Speaker, I have voiced that since we first heard of such things as swaps. On April 26, the Federal Reserve joined with the Treasury Department to establish a permanent trilateral foreign exchange, what they will call swap facility with the Governments of Mexico and Canada. This international loan facility should be of the utmost importance to U.S. taxpayers whose taxes have been and continue to be placed at risk by these foreign exchange interventions, foreign loans and lines of credit to foreign countries.

Mr. Speaker, who determines what country? These gentlemen who account to nobody except their own interest.

It is important to understand just what this recent $6 billion swap facility for Mexico entails for which the Fed pledges of that amount, the Fed's part, even through they announced their $6 billion guarantee several weeks ago, they have actually under this agreement pledged $3 billion to benefit Mexico. However, if the Mexican Government wanted $6 billion in United States currency tomorrow and went into the market to buy United States dollars with pesos, the price of pesos would fall and it is unlikely they could make the trade at current exchange rates. A guarantee of the transfer at any time at current exchange rates is a guarantee of a substantial subsidy to the Mexican Government. When activated, the $6 billion swap formally transfers this subsidy to Mexico.

A week ago, I brought on my colleagues, "Now, here it is." This use, I say illegal and unconstitutional, of taxpayers' money could be so easily found in the range of billions. Yet just 3 years ago that great historic State of Rhode Island was facing bankruptcy and the banks were closed and the credit unions were closed and the savings and loans were closed and we had a hearing in May of 1991 and we had a thousand of these Rhode Islanders, elderly, there had been an increase of almost 50 percent in the relief rolls because most of the elderly had their

pension resources, which is what was keeping them tied up. The great sovereign State of Rhode Island only needed a line of credit so that it could issue bonds.

Mr. Speaker, I tried to get the Fed, and they have the power, to do it. Did they do it? Why, they would not even discuss it.

I tried to get the other entities, the FDIC and the like, and not a word. So we had to come back. And on June 28 in the Committee on Banking, Finance and Urban Affairs, to the glory of each Member, we passed out a line of credit guarantee program so that Rhode Island could pledge its revenues from the sales tax to guarantee the issuance of the bonds and pay back, or never have to use that guarantee from the government. But we had to do it when it did not require legislation. It could have been done by these same powerful oligarchic entitles that find it easy to provide billions for foreign governments but not for one of our own sovereign States.

My colleagues, I think that is not only shameful, I think it is criminal and it is a direct challenge to use who have been elected by the people to represent their interest, not the bankers, but their interest for us not to rise as one and protest and correct and reform and handle it in the way the Constitution says it should be done.

□ 1220

In truth, the so-called guarantee is a loan of United States dollars to Mexico, collateralized by pesos. There is no denying that giving U.S. dollars to a foreign government with conditions for repayment is simply a loan for U.S. dollars.

In a May 9, 1994, letter I received from the Federal Reserve Chairman, Alan Greenspan, he asserted there is no exchange-rate risk since the loan is scheduled to be repaid at the initial exchange rate and interest can be earned on foreign currencies held. However, default risk, the probability of failure to repay, is not eliminated.

A guarantee of a line of credit, such as the $3 billion rate now available to Mexico, places United States taxpayers' funds at risk in the event of default. That is why I am asking the Federal Reserve to provide full details of all its foreign-currency operations including completed Federal Open Market Committee transcripts where these important international currency arrangements are discussed. These transcripts have not been available. In fact, when we had that historic meeting last October and had all the Presidents and Governors, they attempted to deceive the committee and thereby the Congress, and we discovered that they had been keeping these transcripts.

But do they want to make them available to the representatives of the people? Absolutely not. And that is something that I have discussed at great length before, so I will not extend it.

Now, one of the most important objectives of the legislation I have introduced known as H.R. 28, the Federal Reserve System Accountability Act of 1993, is to increase the Federal Reserve's accountability to the public. Knowing how individual members of the FOMC decide on different issues serves to improve the public trust and enhances the ability of the Federal Reserve to carry out appropriate monetary policy.

I congratulate Chairman Greenspan and his colleagues on the Federal Open Market Committee for taking the important step of properly releasing recent monetary policy decisions, just recently and again under pressure.

Now, if the Fed would only take the next step of making complete transcripts of its eighth annual FOMC meetings promptly available to the public, people can know when and why the Federal Reserve is using taxpayers' money for foreign-exchange intervention, foreign loans, and lines of credit to foreign countries, at least that much; we will be able to hear the discussion why, what were the reasons, what were the Members who had different ideas, and how many of them spoke up. I think that is important for us to know, not that it changes the basic responsibility of this power to lend falling within the constitutional mandated authorization and appropriation processes.

Now my colleagues, you may not realize this, but the Congress never gave the Federal Reserve approval to establish what has today become a $30 billion swap fund. This amount that the Fed has amounts to $30.1 billion. Why, that amount of money would take care of all of our housing programs that we have not been able to fund and appropriate for, just that amount.

But this is their reserve for foreign countries. Which ones? Depends. We do not know expect now and then, like when they released the $6 billion arrangement with Mexico, or at least the line of credit.

Chairman Greenspan's response to my letter on May 9 raises even further doubts about the legality of the Federal Reserve's use of these appropriated funds that are used to make loans to foreign governments and to extend to them lines of credit. The Federal Reserve's periodic forays into foreign policy by way of its swap fund is certainly an issue that should be of immense concern to the Congress.

The Federal Reserve began its foreign-currency operations in 1962, and ever since then; now 1962 was President Kennedy, and I was abroad here, and I raised my voice then. Of course, I was relatively a freshman, and you certainly were supposed to be seen and not heard even at that time, but I always have spoken out.

This was done without congressional authorization.

William McChesney Martin, who was the Chairman of the Federal Reserve at that time, did not want to formally ask the Congress for authorization, because he said the Federal Reserve did not know what it needed, and I am going to quote. The Congress probably would not want to put itself in the position of approving something if the Federal Reserve was not clear about its wishes in the matter. That is reflected in the minutes of the FOMC, the Federal Open Market Committee, of February 13, 1992. Chairman Martin notified the Congress of the Federal Reserve's intention to establish the swap fund, but he did this not openly but by burying it in a nine-page speech he gave January 30, 1962, to the Joint Economic Committee. He mentioned in his testimony that the Federal Reserve Bank of New York, acting as an agent for the Treasury, had used the Treasury's exchange stabilization fund, the fund on which the Federal Reserve's swap fund is based, for operations not previously undertaken since World War II with the aim of "defending the dollar from speculative forays."

I think I was the only one in the Congress that mentioned that there was such a thing as speculation, but in 1962, in the 1960's in fact, who much thought that that big tide after the war period of well-being would ever end? And that America was the richest country in the world, and the only one, even then, we were unaffected with that virus, and nobody paid much attention. It was certainly no concern.

But there were two things that happened that were clear signals. Right after 1960, the trade account for the first time showed a deficit of $10 billion. I spoke out and said the reason for that was simple. There were tremendous watershed periods of change since 1950, and I gave some statistics. Then I said in 1950, the late 1940's and 1950, the United States truly was producing almost 80 percent of the world's needs, but by 1960, it was not even 40 percent, and today it is not even 19 percent.

So naturally sooner or later, I said then, things are going to have to happen for us to foresee, plan ahead, and see how we can anticipate these forces that will eventually turn us around.

Also, the emergence in the 1960's of the megacorporate, international, or translational institutions; I spoke out on the RECORD. It is not what I am saying now. Of course, at that time nobody used special orders on the floor. You could write them out, submit them for the RECORD, and they would be printed as if you had uttered them. I never thought that was the intent of what got to be called specials orders, but which is not the technical word for it.

□ 1230

I came to the floor, made the speech, and it is in the RECORD. I pointed out that the United States, by necessity, since there were nations arising in Europe and Asia that would soon supplant and compete with the United States—but that is history, but I am giving you this part of the history as to the genesis or the beginning of this so-called SWAP. Now, it is interesting, but at that time the chairman of the Federal Reserve Board realized what the law says. Why? That first chapter of the first section of the Federal Reserve Act of 1913 says the Federal Reserve shall be the fiscal agent of the U.S. Treasury. Now, at that time and until, again, the 1960's, in fact President Kennedy, during his brief but inspiring period, restored and therefore you could in 1961, 1962, 1963, you could dig into your pockets and if you took out five $1 notes, the chances are at least two of those were U.S. Treasury notes. Today you look at your $1 bill, $5, $10, $20, and it says "Federal Reserve" notes, meaning the Federal Reserve is the one that is printing our money. That is the commercial bankers, not the U.S. Government.

So, lo and behold, as the law says, the Federal Reserve shall be the fiscal agent of the Treasury, and it is now the Treasury's fiscal agent or just agent or the handmaiden of the Federal Reserve Board.

But it is interesting that in 1962 Chairman Martin said, "Well, we are going to act as the agent for Treasury," which has the so-called stabilization of SWAP fund. At that time, then-Congressman Richard Bolling of Missouri asked Chairman Martin to explain. What? Because Congressman Bolling was on the Joint Economic Committee. Chairman Martin replied this way, and I quote:

> I want to make clear, Mr. Bolling, that the Federal Reserve is not anxious to engage in this type of activity. The Treasury stabilization fund has experimented with this kind of operation since March of this year in a very small way, and we have come to the view that however we should require these currencies.

And it is not possible to spell out here, "what we are aiming at is to keep the speculators from unseating us." That was the Joint Economic hearing of 1962, pages 181 and 182.

Chairman Greenspan has attached to his May 9, 1994, letters, a document prepared by the Federal Reserve general counsel, who at that time was Howard Hackley. This document, dated November 2, 1962, is entitled "Legal Aspects of Proposed Plan for Federal Reserve Operations and Federal Currencies." It states with respect to the Federal Reserve's proposed SWAP fund, and I am going to quote, "This matter is admittedly subject to a question, and while it is unlikely that the plan would be challenged in court, there can be no assurance, in the absence of legislation." and I repeat, "in the absence of legislation, that it would not be criticized from some sources on legal grounds."

The general counsel goes on to say:

> Consultation with banking and currency committees admittedly the question is debatable, particularly in view of the 1933-1934 position of the board. Moreover, it may be noted that in 1932, Senator Carter Glass had criticized certain foreign operations of the Federal Reserve Bank of New York which might be considered similar to those now contemplated as being contrary to law. Senator Glass suggested that such operations were inconsistent with the Federal Reserve Act.

And I say certainly with respect to the Constitution. The general counsel of the Federal Reserve said:

> In view of the uncertainties as to the construction of the law and the history of this matter, it might be desirable, before instituting the plan now proposed, to inform the Banking and Currency Committees of the Congress.

So the Fed notified Congress, well, in a speech, as I said earlier. As I have noted, Chairman Martin tried his best to play down the Fed's plan to establish a SWAP fund when he testified before the Congress. The extent of the Fed's obfuscation is illustrated by the fact that the Fed never asked the Congress for enabling legislation. Why not? The idea was to go ahead with as little fuss as possible, which is always the argument given to us; act quick, fast.

I have always said that fast Government can be dangerous Government. If Congress did not pick up on the importance of the deal, so much the better, for in the Fed's eyes silence would amount to consent, and the idea was not to wake any sleeping watchdogs.

There was not unanimity, though, at the Federal Reserve for that decision to establish a SWAP fund. During the 1962 Federal Reserve meetings, one of the Federal Reserve Board governors, J.L. Robertson, expressed concern about the proposed establishment of this fund. Chairman Greenspan has been trying to play down the extent of Governor Robertson's concerns. In his May 9th letter to me, Chairman Greenspan depicts the dissent at the February 13, 1962, FOMC meetings as the expression of mere reservation. I disagree with that interpretation.

During that meeting, Governor Robertson asked if there were any advantages aside from the Federal Reserve's unlimited pocketbook—and by the way, that reminds me, at the time in 1984 that the Continental/Illinois Bank went under, and incidentally the Congress and our committee, unfortunately, never did go into that to establish the underlying cause. It was a harbinger of the crisis that still continues to confront us in the financial and, with reference to my concern, the insured depository institutions. Why? Because those are the ones that the taxpayers' guarantee stands behind.

But in 1984 the Continental/Illinois went under, and it took, as I found out later, $6 billion of the Fed—and that is taxpayers' money—to shore things up. Now, the reasons why that crisis were first underlying causes and then immediate causes—the immediate cause was that the Continental/Illinois had changed from its old conservative, I would not use the word conservative, but frugal and prudent methods and went into competition with the New York international banks, thinking that they were going to be No. 1. In effect, the year before it went under, it was rated the No. 1 bank. And when it did so, it exposed itself, as our whole country is exposed today. The Treasury, which just until recently the Japanese owned two-thirds of our Treasury, of our debt, and in direct acquisition of assets and indirect acquisition of assets, we hear a lot about the Japanese, but Great Britain has 2½ times more than the Japanese and that is inclusive of banking.

In fact, in California, the Japanese banking interests own over 25 percent. This is the reason why I had the only hearings any committee really had on pertinent sections of the so-called NAFTA Agreement, the ones that we held, three, three hearings.

□ 1240

We were totally blanked out by the press. They did not report it, did not cover it and did not want to go into it. But it was very disturbing, and in those hearings we brought out more than several things, and that was that the so-called Free Trade Agreement had very little to do with trade. Over 90 percent of it is the power that the big banks in our country—that was the locomotive. It was chapter 14 information which we had the hearings entitled, "Banking and Finance to the Port of NAFTA."

The big banks, where Mexico has an exposure of over $80 billion, it has not even been able to pay the interest. It has had to roll over the interest. These banks thought, boy, we get NAFTA pushed through, and, when it is in place, Mexico will be able to pay us $10 billion a year.

Well, it is illusory. Why? Because in opening it up for the American banks, and it will be a few, it also, for the first time, is now apparent that in the United States we have subsidiaries of foreign banks, as we brought out, that still needs a Congress to act. Our committee is still acting on BNL, BCCI, because it shows a vulnerability to these foreign monies and activities of our system, and, believe it or not, NAFTA is supposed to be a regional—maybe Western Hemisphere, so we will have after GATT, which will be known as a world trade organization after a while—will give the Asia, Japanese, et cetera, block the European Community block and, of course, the United States

Western Hemisphere. But Japan has been coming in, as well as France, and other countries in Latin America, like they did before World War II.

So, NAFTA is supposed to ensure the hegemony of banking and financial activity, but, lo and behold, I have news for my colleagues: Since you did it in secrecy, the Congress for the first time conceded and delegated what I consider to be nondelegable constitutional power. Wait and see. Time will tell. But in the meanwhile the Japanese banks, through their subsidiaries in the United States, have found a way to get into Mexico. That, my friends, is what we were trying to bring out in order to have a full evaluation of this agreement that was reached in total secrecy.

Who wrote that agreement? NAFTA? Can any of my colleagues mention the participants? I say, "No, you can't." We brought that out in one of those three hearings.

But also going back to 1984, this is the hubris, this is the spirit of power, total, incontrovertible and unquestioning power, that these folks demand and get from the Fed, and have gotten.

After that we had a brief hearing, after Continental went under. It went under because immediately a little shopping mall bank in Oklahoma had a get up and go 28-year-old, and he came to Continental and was able to evade the time-honored limitation in banking where no one bank can lend more than 15 percent with resources to any one borrower. Well, this old smart boy, whiz kid, he was able to come to different layers of the Continental Illinois and far exceed that. Then when the oil depression hit, he could not pay. Continental began to suffer some questions. The word went out into the foreign press, and soon the Japanese and the German investors pulled out $8.3 billion in 3 days. Boom went the bank. Fed came in with $6 billion.

So, when Mr. Chairman Volcker came before us I asked him one question: Well, you say that the reason you did that is because you're not going to suffer. Because of the ripple effect any large bank could go under. Now suppose you have two or three more of these?

He said: "I don't care. I will use every resource of this country to save them."

I say: "Now isn't that wonderful, to have that tremendous, unheard of, unprecedented in the annals of human history, power, to have these private banketeers through bad judgment, bad banking, be able to be shored up by the taxpayer and saved from their folly?

And then there was born this so-called too-big-to-fail doctrine. I could not persuade the chairman at that time to have followup hearings and challenge that power. Absolutely not.

So I must say, by way of parenthesis, that, when Governor Robertson asked if there were any advantages, aside from the Federal Reserve's unlimited pocketbook, and this is what Paul Volcker had in mind: I will use every resource this country owns, every resource. For what? To save the privileged bankers from their folly?

Mr. Speaker, I ask, "Wouldn't it be nice if other businessmen who lost out because of something they couldn't control in the market could have the same provision? Keep them in business even though they failed?

Governor Robertson opposed the Federal Reserve's entry into the operation partly on legal grounds. His objections were very strong, as revealed in the minutes, not like Chairman Greenspan is trying to pawn them over now. At the February 13, 1962, board of governors meeting he voted against amending regulation and to authorize the Federal Reserve to conduct a planned foreign exchange operation. Only after that authority was passed, giving away the boys' authority to the FOMC, did he join with the majority later in the day at the FOMC meeting. His opposition was indeed much more telling than having mere reservations and should be reviewed by present FOMC members and others interested in the way the original swap facility came into existence.

Chairman Greenspan sent the Committee on Banking, Finance and Urban Affairs a list of 60 institutions which the Federal Reserve Bank of New York transacted foreign exchange business for U.S. monetary authorities since 1989. I would like to know how these institutions are selected and what safeguards are in place to prevent the release of exploitable inside information about foreign currency operations, which incidentally is one of the biggest worldwide gambling casinos in operation on the so-called futures on international currency, worth and transactions, and I have spoken out on that before so I will not repeat it today.

But I want to know how these institutions are selected, at 60 since 1989. Is this information insiders could learn about and then make a profit from, as happened in the other section where the Federal Reserve has this privileged select group in the case of these security bankers buying Treasury bills and where we had the big steel buy the big firm out of New York less than 2 years ago. What happened after that? Did they ever pay that money, about $2 billion, the Treasury lost on that gambling? No, they did not.

□ 1250

They were fined about $200 million. With this a distinct possibility, can we be confident that the Fed is really minding the store? After all, we have already seen how bond traders could and did abuse their privileged position in what I just referred to, the Treasury bond market.

The legislation I have introduced, the Federal Reserve System Accountability Act of 1993, significantly increases congressional oversight of the Fed without tampering with any of its independence in such things as determined monetary policy, not at all.

In fact, even a distinguished member of the committee, the ranking minority member, says, whether he agrees or not, that my position is relatively mild, that there is nothing radical about it. Of course it is not, unless we are willing now to say that if you stand up to have accountability to the people who elected us, I say to my colleagues, is being radical, unless we are ready to say that we will unconstitutionally delegate the nondelegable power mandated only by the Constitution as the power to declare war, the power to coin our money, and the power to determine the value thereof. That is vested only in the Congress, and there were good reasons for that.

But until we address this question, the Congress has abdicated its power. Anyone who believes in an open accountable government should and, I hope, will join me in finding these Fed-imposed restrictions an outrage. I have asked and I have pleaded with my colleagues to join me in this effort. The American people have every right to complete accountability.

Of course, there have always been two schools of thought throughout mankind's experience with government—those who believe that unless there was a select group chosen because of superior ability to tell the people what was good for them, why, no good would come of it and you would not have law and order.

Then you have the other school of thought that says, no, that maybe in the short run people will make mistakes but in the long run the people are the better judges as to what is good or best for them. And that has been at the core of the American idea of government.

But we are now insuring ourselves to the European continental concept of accepting their idea with contentment in the midst of poverty and abdicating our ability to govern ourselves to some of these exclusively selected higher beings, the bankers, to tell us how they are going to struggle in our behalf, and in secret. They are so proud of this that they do it all in secret.

No, I say the time is upon us. It is later than we think, I say to my colleagues, and I ask them to join me in this legislation. There are these powerful banking lobbyists who have written it off for this Congress, but I am going to try and will keep on trying as long as I am discharging this responsibility. Even as I have had the responsibility before, I still have this responsibility.

The bill also requires the General Accounting Office, the only arm we have in Congress, to oversee the executive

branch, to scrutinize certain Federal Reserve operations, including those of the Swap Fund. The Fed lobbied Congress in 1978 so that the GAO would not be allowed to investigate a swap. We came very close in 1978, but not quite, and the Federal Reserve, through its bank members and lobbyists, really worked it over.

Anyone who believes in an open and accountable government will join me. I repeat, in protesting and correcting these injustices. I hope that I can elicit the support necessary on H.R. 28. I have a fairly good number of members of the committee, but we are going to have to have a definite majority to get it out of committee.

This so-called central bank known as the Fed should no longer have the ability to arrogate to itself new powers and keep all of us in the dark about its policies and processes. All we seek is just plain simple, honest accountability.

Mr. Speaker, I include with my remarks the following items: First, May 16, 1994 letter from Chairman GONZALEZ to Federal Reserve Chairman Alan Greenspan; second, May 9, 1994 letter from Chairman Greenspan to Chairman GONZALEZ; and third, attachment to Chairman Greenspan's letter, "List of Institutions with which the Federal Reserve Bank of New York Transacted Foreign Exhange Business for the U.S. Monetary Authorities Since 1989."

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
Washington, DC, May 16, 1994.

Hon. ALAN GREENSPAN,
Chairman, Board of Governors of the Federal Reserve System, Washington, DC.

DEAR CHAIRMAN GREENSPAN: One of the most important objectives of my legislation, H.R. 28, the "Federal Reserve System Accountability Act of 1993," is to increase the Federal Reserve's accountability to the public. Knowing how individual members of the Federal Open Market Committee (FOMC) decide on different issues serves to improve the public's trust and enhance the ability of the Federal Reserve to carry out appropriate monetary policy. Thus I congratulate you and your colleagues for taking the important step of promptly releasing your recent monetary policy decisions.

I urge the Federal Reserve to further apply its experiment in openness to foreign exchange interventions, foreign loans, and lines of credit to foreign countries. The Federal Reserve essentially uses its $30 billion swap fund to make loans to foreign countries without any Congressional approval or oversight and American taxpayers are left to wonder whether their moneys—now in the hands of a foreign government—are indeed safe.

Your May 9, 1994, reply to Banking Committee requests for information about these aspects of Federal Reserve operations is far short of a full response and is in certain respects, misleading. Now that the Federal Reserve has joined with the Treasury Department (on April 26, 1994) in entering a permanent trilateral foreign exchange swap facility with the governments of Mexico and Canada, it has become crucial that you provide direct answers to Banking Committee requests for information. This is of utmost importance to the U.S. taxpayers whose taxes have been and continue to be placed at risk by these foreign exchange interventions, foreign loans, and lines of credit to foreign countries.

It is important to understand what this recent $6 billion swap facility for Mexico entails. If the Mexican government wanted $6 billion in U.S. currency tomorrow and went into the market to buy U.S. dollars with pesos, the price of pesos would fall and it is unlikely they could make the trade at current exchange rates. A guarantee of the transfer at any time at current exchange rates is a guarantee of a substantial subsidy to the Mexican government. When activated, the $6 billion swap formally transfers this subsidy to Mexico. It is a loan of U.S. dollars to Mexico collateralized by Mexican pesos. There is no denying that giving U.S. dollars to a foreign government with conditions for repayment is a loan of U.S. dollars. It is true as you note in your letter, that there is no *exchange rate risk* since the loan is scheduled to be repaid at the initial exchange rate and interest is earned on the foreign currencies held. However, this is not the only problem for U.S. taxpayers. The problem is *default risk*, the probability of failure to repay. A guarantee of a line of credit puts U.S. taxpayers' funds at risk.

The Committee must have complete records of the decisions of Federal Reserve policymakers with regard to these foreign loans, lines of credit, and swap actions. You did not comply with this request in your May 9, 1994 reply. It was during some of their meetings that the FOMC members, five of whom have never even been confirmed by Congress and are not Constitutional officers, discussed setting up a formal trilateral facility with two foreign governments that involves granting foreign loans and lines of credit. The Federal Reserve records should include a description of the goals and objectives of their foreign exchange policies.

The Banking Committee seeks copies of the complete record of the FOMC subcommittee assigned to direct foreign exchange operations as described in the November 22, 1961 document that you sent to me from former Federal Reserve General Counsel, Howard H. Hackney. The proposed subcommittee consisted of the Chairman and Vice Chairman of the FOMC, Vice Chairman of the Board of Governors, and an officer of the New York Federal Reserve Bank. Please explain its history and provide the Banking Committee with copies and an inventory of any records of the activities and meetings of this subcommittee.

The document you sent to me entitled "Legal aspects of proposed plan for Federal Reserve operations in foreign currencies," written by the Federal Reserve General Counsel on November 2, 1961 states:

"This matter is admittedly subject to question; and while it is unlikely that the plan would be challenged in court, there can be no assurance, in the absence of legislation, that it would not be criticized from some sources on legal grounds."

The General Counsel goes on to say:

"Consultation with Banking and Currency Committees.—Admittedly, the question is debatable, particularly in view of the 1933–1934 position of the Board. Moreover, it may be noted that in 1932, Senator [Carter] Glass had criticized certain foreign operations of the Federal Reserve Bank of New York, which might be considered as similar to those now contemplated, as being contrary to the law. [Senator Glass] suggested that such operations were inconsistent with the Federal Reserve Act."

The Federal Reserve General Counsel said:

"In view of the uncertainties as to the construction of the law and the history of this matter, it might be desirable, before instituting the plan [to start a Federal Reserve swap fund] now proposed, to inform the Banking and Currency Committees of Congress."

Federal Reserve Chairman William McChesney Martin did not want to formally ask the Congress for authorization because the Federal Reserve did not know what it needed and "the Congress probably would not want to put itself in the position of approving something if the Federal Reserve was not clear about its wishes in the matter" (paraphrased FOMC minutes, February 13, 1962, p. 79). Chairman Martin notified the Congress of the Federal Reserve's intention to establish the swap fund by burying the information in a nine-page speech he gave on January 30, 1962 to the Joint Economic Committee. He mentioned that the New York Federal Reserve Bank, acting as an agent for the Treasury, had used the Treasury's Exchange Stabilization Fund (the fund on which the Federal Reserve's swap fund is based) for operations not previously undertaken since World War II with the "aim of defending the Dollar from speculative forays." (JEC Hearings, 1962, p. 174). Then-Congressman Richard Bolling asked Chairman Martin to explain. Chairman Martin replied:

"* * * I want to make clear, Mr. Bolling, that the Federal Reserve is not anxious to engage in this type of activity. * * * The Treasury stabilization fund has experimented with this kind of operation since March of this year, in a very small way, and we have come to the view that however we should acquire these currencies—and it is not possible to spell out here—what we are aiming at is to keep the speculators from unseating us, * * *." (JEC Hearings, 1962, p. 181–2.)

In short, this was an improper way to notify the Congress of a new facility that would use funds that were not Congressionally authorized. Thus, the suggestion by the former General Counsel of the Federal Reserve to provide notification to the Congress in an attempt to buttress the flimsy legal justification for the Federal Reserve's internally authorized swap fund was not followed.

In your May 9, 1994 letter to me you indicate that although Federal Reserve Governor J.L. Robertson expressed "reservations," he voted with the majority in favor of the swap facility at the February 13, 1962 FOMC meeting. This description is misleading. At the February 13, 1962 meeting Governor Robertson asked if there were any advantages aside from the Federal Reserve's "unlimited pocketbook" of having two government agencies operating in foreign exchange and he was told there were none.

He opposed the Federal Reserve's entry into this operation partly on legal grounds. His objections were very strong as revealed in the minutes. At the February 13, 1962 Board of Governors meeting he voted against amending Regulation N to authorize the Federal Reserve to conduct the planned foreign exchange operations. Only after that authority was passed, giving away the Board's authority to the FOMC, did he join with the majority later in the day at the FOMC meeting. His opposition was indeed much more telling than having mere "reservations" and should be reviewed by present FOMC members and others interested in the way the original swap facility came into existence.

Please send the minutes of the January 23, 1962 FOMC meeting where there were two dissenting votes on approving in principle a program of System foreign currency operations. (A number of pages appear to be missing from the copy of the minutes of the February 13, 1962 FOMC meeting you sent to me. Please send a full copy.)

I am concerned about the inconsistencies between the records you sent to me containing Federal Reserve monthly holdings of foreign currencies, delineated by country, and the quarterly reports that indicate interventions. You now inform me that the monthly holdings data (one set of which uses historical exchange rates) include interest payments and "valuation effects." Please send a consistent accounting record that specifies the amount of interventions and the effect on accumulated inventories of currencies of each country. Interest payments should be included in this accounting record as well as a full description of any valuation effects. The record should contain a complete and itemized account of why the inventories of each countries' currencies held by the Federal Reserve changed at the end of each month. A consistent accounting record that contains consistent times series data is extremely important in performing econometric tests on the effects of foreign exchange operations by the Federal Reserve.

This is an essential part of maintaining accountability for Federal Reserve actions. The Banking Committee's obligation to fulfill its oversight role requires a consistent record of Federal Reserve foreign exchange activities that correctly ties in the extensive holdings of foreign currencies, amounting to $22.3 billion at the end of 1993. This is a substantial investment for U.S. taxpayers that must be continually evaluated for cost and effectiveness.

Attached to your May 9 letter was a list of 60 institutions with which the Federal Reserve Bank of New York transacted foreign exchange business for U.S. monetary authorities since 1989. Please describe exactly how these institutions were chosen. Describe the original and any ongoing examination of the operations of these institutions made by the Federal Reserve. Did there institutions receive any information about interventions before this knowledge was generally available? Describe in detail the precautions taken during an intervention for guarding against the use of exploitable inside information about the interventions. Also include a step-by-step description of how interventions are conducted.

In addition, please provide the job descriptions and number of individuals who receive exploitable inside information about foreign exchange interventions. Explain how the Federal Reserve monitors trading activity to determine if there are signs of insider trading. The Committee has received reports that information about the trilateral agreement of April 26, 1994 was known to sources outside the government in the days preceding the announcement. This may explain why the Mexican peso began to rise almost a day and a half before the announcement.

Finally, I wish to draw your attention to some new research conducted by Professors Kathryn M. Dominguez and Jeffrey Al Frankel in their September 1993 book, "Does Foreign Exchange Intervention Work?", [published by the Institute for International Economics, Washington, DC]. Their results show:

"that the effect of U.S. intervention is much greater when the New York Federal Reserve Bank lets the market know it is intervening. Second, the results reported . . . suggest that official announcements regarding exchange rate policy have far more impact than intervention that is quietly disseminated." (page 136.)

With information networks providing instant communication and markets operating in many time zones around the world, there seems little reason to pretend that massive interventions of the type conducted by U.S. monetary authorities can be kept secret for very long. The list you sent to the Banking Committee of the 60 institutions which transacted foreign exchange business for U.S. monetary authorities has caused me concern about the use of inside information for a favored few when there is not full and prompt accounting for intervention activities. Certainly there must be fuller accounting to the Congress and the public. Please indicate what changes will be made in Federal Reserve policy to ensure full and timely information to all market participants about currency interventions, lines of credit to foreign entities, and foreign loans.

Please respond to this request for information as promptly as possible and no later than June 1, 1994.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, DC, May 9, 1994.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter responds to the issues and questions concerning the Federal Reserve's swap arrangements and related matters raised in your letter of April 20.

The Federal Reserve takes very seriously its responsibilities to the Congress and to the public to account for its policies, actions, and operations, including its foreign exchange operations. The Federal Reserve and U.S. Treasury are unique among the monetary authorities of major industrial countries in the frequency and detail in our public reports on foreign exchange operations, including the operations of the Federal Reserve's swap network. Nevertheless, we are open to suggestions for providing additional information as long as sensitive information would be appropriately protected.

The Federal Reserve has responded in full to your requests regarding the operations of the Federal Reserve's reciprocal currency (swap) arrangements. In early 1993, we provided substantial detail on these arrangements, supplemented by data and documentation related to the Federal Reserve's reciprocal currency arrangements in general and swap arrangements with the Bank of Mexico in particular.

As a matter of normal procedure and public accountability, any activation of a swap arrangement with the Federal Reserve or the establishment of a special swap arrangement is included in the regular quarterly reports on U.S. foreign currency operations sent to Congress and published subsequently in the Federal Reserve Bulletin. In addition, positive decisions to change the size of swap arrangements are normally announced immediately.

Swap drawings are not loans but are the simultaneous spot purchase and forward sale of foreign currency against dollars. This type of transaction is used in some form by most central banks, in some cases as a standard instrument of monetary policy. In the case of a swap drawing on the Federal Reserve by a foreign central bank, there is no exchange risk to the Federal Reserve associated with such a drawing. Moreover, in agreeing to allow such a swap drawing, the Federal Reserve always seeks to assure that there are reasonable prospects of prompt repayment, for example, out of the drawing country's international reserves or through its drawings on the International Monetary Fund or prospective proceeds from World Bank loans. Since the swap network was established in 1962, all drawings on this network have been repaid in full.

The Federal Reserve's authority to establish and operate the swap network is derived from section 14(e) of the Federal Reserve Act which provides that any Federal Reserve Bank may, with the consent or upon the order and direction of the Board of Governors, "open and maintain accounts in foreign countries, appoint correspondents, and establish agencies in such countries wheresoever it may be deemed best for the purpose of purchasing, selling, and collecting bills of exchange." (12 U.S.C. 358.) The Board has implemented this provision in Regulation N. (12 C.F.R. 214.5.) A detailed discussion of the Federal Reserve's authority in this area is set forth in a 1961 memorandum to the FOMC from its General Counsel; a copy was twice previously provided to Congress, and a copy is enclosed with this letter for your convenience. The conclusions of the memorandum were endorsed contemporaneously by the General Counsel of the Treasury and the Attorney General of the United States. The FOMC's decision at its meeting on February 13, 1962, and Federal Reserve Board's revised Regulation N implemented the position set forth in the FOMC General Counsel's memorandum.

You asked about former Vice Chairman Robertson's views in 1962 concerning the appropriateness of the Federal Reserve's involvement in foreign currency operations. His was a minority opinion at the time. In fact, while he voiced reservations about the Federal Reserve's involvement in these activities at the Committee's meeting on February 13, 1962, he joined the rest of the FOMC in a unanimous vote approving the authorization regarding open market transactions in foreign currencies at that meeting.

On the substance of former Vice Chairman Robertson's remarks, I would note that, in the opinion of the legal authorities on these issues, the statues of the United States provide legal authority to the Federal Reserve to engage in foreign currency operations as outlined above. Moreover, it is quite understandable that the U.S. central bank would be granted such authority. While the precise legal arrangements differ country by country, all major central banks play a role in foreign currency operations. Since many of these operations involve dealings with other central banks, it is both efficient and appropriate for the Federal Reserve to participate in such operations. Over the past 32 years, the Federal Reserve has consulted closely with the U.S. Treasury on all its foreign currency operations, including instances where a swap partner country has requested to draw on its swap line with the Federal Reserve. To my knowledge, there never has been a serious dispute about any of these operations, and all the operations of the Federal Reserve's swap network have been viewed as consistent with U.S. policy toward the country requesting a drawing.

As requested, I enclose the complete minutes of the February 13, 1962, meeting of the

FOMC and the documents cited at that meeting and relating to the issues that you raised.

As I noted in my letter of February 10, 1993, Congress has never found any of the foreign currency operations of the Federal Reserve to be an inappropriate use of the powers granted to the Federal Reserve in the Federal Reserve Act. The Swap network and the legal basis for Federal Reserve foreign currency operations were reviewed extensively by the Congress in 1962 and again in 1973. A 1980 amendment of the Federal Reserve Act permits the Federal Reserve to invest its foreign exchange holdings in obligations of foreign governments.

It has been our practice that each request for a drawing on the Federal Reserve's swap network, each proposal to increase the size of a swap arrangement, and each proposal for a special temporary swap arrangement is reviewed by the FOMC. There always has been a strong positive consensus within the FOMC regarding the appropriateness of the Federal Reserve's reciprocal currency arrangements; however, at times there have been voices questioning certain operations or the continued existence of the swap arrangements. President Hoskins posed such a question in the discussion on November 1, 1988.

In your April 20 letter you request a copy of "the telegram that President Hoskins referred to" in the transcript of the November 1, 1988 meeting. As I stated in my letter of April 5, 1994, the circumstances that brought about the discussion of the proposed swap facility that was under consideration in October–November 1988 subsequently changed favorably, and there was no need to complete the proposed arrangement. Thus, there was no need to poll the FOMC via telegram for its formal vote on the matter, and no telegram was sent.

In previous requests for information concerning Federal Reserve foreign currency holdings, we provided you with data on Federal Reserve foreign currency holdings, by currency, as of the end of each month from 1962 to January 1993 (the time of your request). In a response to a follow-up request, we provided you data on Federal Reserve foreign currency balances restated in current market value terms. In your April 20 letter you note that your staff has had difficulty in matching these data on Federal Reserve foreign currency holdings with data on foreign currency operations that appear in the quarterly reports on U.S. foreign currency operations. As noted in my earlier responses and in discussions with your staff, changes in these data on balances may incorporate interest earnings and valuation effects as well as actual foreign exchange transactions during a particular period. Federal Reserve staff is prepared to sit down with your staff to review further any questions they may have about these data.

Turning to your questions about the Federal Reserve Bank of New York's operational practices in carrying out foreign exchange intervention operations at the direction of the Department of Treasury and the Federal Open Market Committee, the Federal Reserve Bank of New York executes foreign exchange transactions with banks in the United States in the same manner as briefly described in the article by R.M. Kubaryh, referred to in your letter. In rare circumstances, when markets in the United States are closed but the Treasury and the Federal Reserve deem it necessary for operations to be conducted, the Federal Reserve Bank of New York may deal with overseas bank offices—in the sense of agreeing to the price and other terms of trades—but such transactions are booked and settled with the banks' U.S. offices.

At the time the Kubarych article was written in 1977, the Federal Reserve Bank of New York limited its foreign exchange dealing relations to federally supervised banking institutions (commercial banks, Edge Act Corporations, and U.S. branches of foreign banks). However, in February 1992, the Federal Reserve Bank of New York announced its willingness to deal with S.E.C.-registered broker-dealers in addition to federally supervised banking institutions. Attached is a list of all institutions with which the Federal Reserve Bank of New York has transacted foreign exchange business for the accounts of the Exchange Stabilization Fund and the Federal Reserve System Open Market Account since 1989.

The Kubarych article focuses on the impact of foreign exchange transactions financed by drawings on swap lines. You should understand that the foreign exchange intervention activities of the Treasury and the Federal Reserve have not been financed in this way since 1980.

In the past 10 years, there is no instance in which a drawing has been made on the Federal Reserve's swap network without a parallel drawing on a swap line with the U.S. Treasury's Exchange Stabilization Fund, including the August 1988 drawing by the Bank of Mexico. (The facts of the 1988 drawings were reported in the December 1988 quarterly report on U.S. foreign currency operations.) The FOMC cleared the 1988 drawing consistent with its normal procedures.

The penultimate paragraph of your letter raises questions about the motivation of and benefits from Federal Reserve swap arrangements with the Bank of Mexico in recent years. The Federal Reserve swap arrangements with the Bank of Mexico, as with agreements with other central banks, are intended to contribute to financial stability which benefits all citizens of Mexico and the United States. They are not motivated by political considerations.

As I stated in my letter of April 5, the joint Federal Reserve-Treasury $3.5 billion special swap facility that was considered in October-November 1988 was never formally established. Thus, its contribution to the stability of financial markets was limited to the psychological effects of the announcement on October 17, 1988 that the Treasury and Federal Reserve were prepared to develop such a facility. The special temporary $12 multilateral facility that was developed on a contingency basis in November 1993 was neither established nor announced. Therefore, the benefit was only that coming from a carefully considered contingency plan. Finally, the special temporary $6 billion facility announced on March 24, was not intended to favor any particular segment or sector of Mexico's society or economy. The objective of that special arrangement, which as it turns out was not drawn upon, was to promote the stability of financial markets in Mexico and, thereby, to contribute to the economic well being of the people of Mexico and the United States.

Sincerely,

ALAN GREENSPAN,
Chairman.

Enclosures.

XIII. List of Institutions with which the Federal Bank of New York Transacted Foreign Exchange Business for the U.S. Monetary Authorities since 1989

ABN Amro Bank
Australia and New Zealand Banking Group
Banca Commerciale Italiana
Bank of America
Bank of Boston
Bank of New York
Bank of Nova Scotia
Bank of Tokyo
Bankers Trust Company
Banque Paribas
Barclays Bank PLC
BHF-Bank
Boatmen's National Bank
Canadian Imperial Bank of Commerce
Chase Manhattan Bank
Chemical Bank
Creditanstalt Bankverein
Credit Commerciale de France
Citibank
Commonwealth Bank of Australia
Credit Industriel Et Commercial
Credit Lyonnais
Credit Suisse
Dai-Ichi Kangyo Bank
Dean Witter Reynolds Inc.
Deutsche Bank AG
Dresdner Bank AG
First Interstate Banks[5]
First National Bank of Chicago
First Union Natl Bk of North Carolina
Fuji Bank
Goldman Sachs
Harris Trust & Savings Bank
Hong Kong and Shanghai Banking Corp[4]
Industrial Bank of Japan
Irving Trust[1]
Lloyds Bank PLC
Long Term Credit Bank of Japan
Manufacturers Hanover Trust Company[2]
Mellon Bank
Merrill Lynch International Bank
Midland Bank PLC
Mitsubishi Bank
Morgan Guaranty Trust Company of New York
Morgan Stanley
National Westminster Bank PLC
Nationsbank of North Carolina
Nippon Credit Bank
Northern Trust Company
Republic National Bank of New York
Royal Bank of Canada
Sakura Bank
Sanwa Bank
Security Pacific Bank[3]
Shawmut Bank
Societe Generale
Standard Chartered Bank
Sumitomo Bank
Swiss Bank Corporation
Union Bank of Switzerland

[1]Merged under the name of Bank of New York in October 1989.

[2]Merged under the name of Chemical Bank in June 1991.

[3]Merged under the name of Bank of America in May 1992.

[4]Hong Kong & Shanghai Banking Corp. began trading under the name of Midland on November 2, 1992.

[5]In June 1992 Standard Chartered Bank acquired certain lines of business from First Interstate and on January 1, 1993 began trading under the name of Standard Chartered Bank, Los Angeles.

THE 1872 MINING LAW MAY AUTHORIZE BIG GIVEAWAY TO CANADIAN MINING COMPANY

The SPEAKER pro tempore (Mr. PETERSON of Florida). Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, later today, unfortunately,

the Secretary of the Interior, Bruce Babbitt, is going to have to participate in the biggest giveaway of American resources in the history of this country. Because of the 1872 mining law that this Congress has refused to reform since that time, over the last 120 years, the Secretary of the Interior is going to have to comply with that law and transfer to the American Barrick Mining Co, a Canadian-owned mining company, 10 billion dollars' worth of gold to be mined in the coming years, and the Secretary will receive on behalf of the taxpayers and the citizens of this country $9,000, and that will be it. There will be no royalties, there will be no benefits to the American citizens or to the American taxpayers who own those public lands under which this gold resides, because of the 1872 Mining Act.

This has been a long legacy of resource development in the United States, a long legacy of where those who were powerful and those who were privileged have been able to take water and gain water subsidies, those who have gotten below-cost sales of our timber and decimated our forests and clearcut our forests and exported logs overseas while paying very little to the taxpayers for the privilege of being able to use those lands to realize a profit and in many instances so decimating those lands that they have yet to return to productivity and leaving the taxpayer stuck with the cost.

It is true of those who built the huge water projects and the dams out West where they were able to use taxpayer dollars to build these projects and yet receive subsidized water and not pay their fair share of those projects and sticking the taxpayers with the bill. It is true today of our grazing lands, where people are continuing to be able to graze cattle at below the cost of maintaining those lands, ruining those lands and causing great problems with the environment and those lands and still using the Federal taxpayers to underwrite the grazing of their cattle.

It is true in the sale of gold and silver and other mineral leases on land where we do not receive a decent rate of return for the American taxpayer. It is true with the onshore and offshore oil and gas program, where we continue to let leases go to individuals and not receive a royalty on behalf of the taxpayer.

But what is happening today in the transfer of this mineral lease to the American Barrick Mining Co. is unconscionable. That they would receive the right to mine 10 billion dollars' worth of gold for $9,000 and not have to pay any royalty to the American taxpayer should never be allowed to continue, but unless the House of Representatives has already passed mining reform law and the Senate has passed it out, unless that conference committee can come together and agree upon the reforms of this land, this can happen again, because unfortunately, under the law, those who go out and stake out those kinds of claims are entitled to have the Secretary pass those claims to them.

□ 1300

We do not know that there are not other American Barrick-type claims, that there are not millions and billions of dollars worth of silver, platinum, gold, and other valuable minerals that are there under the lands owned by the public, that some future Secretary or this Secretary would be required to transfer to these corporations and receive nothing back for the owners of those lands, the American public.

It is time to bring this sad, sad chapter in our history of mineral leasing and the stewardship of the public lands to a close. It is time for the Congress to agree on the reform of the act.

President Clinton has made it very, very clear that he will sign the reform of the 1872 mining law if the Congress will send it to his desk. The Secretary of the Interior has made it very clear on behalf of the President and others in the administration that he strongly supports the reform of this act.

Mr. Speaker, the time is now for the Congress to act and to send that bill to the President of the United States so never again, never again, are the taxpayers or citizens of this country to be treated as they are about to be treated this afternoon with the transfer of this land from the American taxpayer to American Barrick Mining, to the terrible, terrible disadvantage of the taxpayers and of the citizens of this country.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Ms. ESHOO.
Mr. KREIDLER.
Mr. PENNY.
Mr. HOYER.
Mr. BATEMAN.

(The following Members (at the request of Mr. MILLER of California) and to include extraneous matter:)

Mr. BECERRA in two instances.
Mr. DE LUGO.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 190. Joint resolution to designate May 15, 1994, National Peace Officers Memorial Day; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. MILLER of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 1 minute p.m.), under its previous order, the House adjourned until Tuesday, May 17, 1994, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3180. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of May 1, 1994, pursuant to 2 U.S.C. 685(e) (H.Doc. No. 103–255); to the Committee on Appropriations and ordered to be printed.

3181. A letter from the Office of General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize the Secretary of Defense to determine the control of authorized strengths for certain active duty commissioned officers; to the Committee on Armed Services.

3182. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to establish a Department of Defense Laboratory Revitalization Demonstration Program for the purpose of improving management, efficiency, and overall effectiveness of DOD laboratories and centers; to the Committee on Armed Services.

3183. A letter from the Secretary of Education, transmitting a copy of Final Regulations—Direct Grant Programs; National Early Intervention scholarship and Partnership Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3184. A letter from the Secretary of Energy, transmitting notice that the Department will not be able to issue a final rule regarding residential energy efficient rating guidelines until November 1995; to the Committee on Energy and Commerce.

3185. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 94–27), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3186. A letter from the Secretary of Defense, transmitting notice that the President proposes to obligate up to $2.26 million to assist the Russian Federation in the area of export controls for the purpose of preventing the proliferation of weapons of mass destruction; jointly, to the Committees on Appropriations and Foreign Affairs.

3187. A letter from the Secretary, Department of the Interior, transmitting the annual report entitled "Outer Continental Shelf Lease Sales" for fiscal years 1991 and 1992, pursuant to 43 U.S.C. 1337(a)(9); to the Committee on Natural Resources.

3188. A letter from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting notice of designation for the Olympic Coast National Marine sanctuary, together with final regulations

implementing the designation, pursuant to 16 U.S.C. 1434(a)(1)(C); to the Committee on Merchant Marine and Fisheries.

3189. A letter from the Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting the Commission's "Annual report on the Employment of Minorities, Women and People with Disabilities in the Federal Government for fiscal year 1991"; to the Committee on Post Office and Civil Service.

3190. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to increase, effective as of December 1, 1994, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; to the Committee on Veterans' Affairs.

3191. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that Trinidad and Tobago has adopted a regulatory program governing the incidental taking of certain sea turtles, pursuant to Public Law 101-162, section 609(b)(2) (103 Sat. 1038); jointly, to the Committees on Appropriations and Merchant Marine and Fisheries.

3192. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report on abnormal occurrences at licensed nuclear facilities for the fourth quarter of calendar year 1993, pursuant to 42 U.S.C. 5848; jointly, to the Committees on Energy and Commerce and Natural Resources.

3193. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the Federal Administration Act to provide for increased penalties and fines, and for other purposes; jointly, to the Committees on Ways and Means and the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROWLAND (for himself and Mr. SMITH of New Jersey):

H.R. 4425. A bill to authorize major medical facility construction projects for the Department of Veterans Affairs for fiscal year 1995, to revise and improve veterans' health program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. OBEY:

H.R. 4426. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995; to the Committee on Appropriations.

By Mr. KREIDLER (for himself, Mr. ROWLAND, Mrs. UNSOELD, and Mr. SWIFT):

H.R. 4427. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow for additional deferred effective dates for approval of applications under the new drugs provisions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey:

H.R. 4428. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to maintain the existing capacity of the Department of Veterans Affairs to provide specialized services to disabled veterans; to the Committee on Veterans' Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred sponsors were added to public bills and resolutions as follows:

384. By the SPEAKER: Memorial of the Legislature of the State of Maine, relative to defense finance and accounting service centers; to the Committee on Armed Services.

385. Also, memorial of the Legislature of the State of Maine, relative to military facilities in the United States; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 141: Mr. STUDDS, Mr. LIPINSKI, Mr. SWIFT, Mr. KASICH, Mr. CLAY, Ms. NORTON, and Mr. WATT.

H.R. 346: Mr. PAXON.

H.R. 790: Mr. WYNN and Mr. GUNDERSON.

H.R. 794: Mr. FRANK of Massachusetts.

H.R. 1843: Mr. LEWIS of California and Ms. DUNN.

H.R. 2929: Mr. KING.

H.R. 3182: Mr. MINETA.

H.R. 3227: Mr. BOEHLERT, Mr. ORTON, Mr. ACKERMAN, and Mr. HOUGHTON.

H.R. 3322: Mr. JOHNSTON of Florida and Mr. HASTINGS.

H.R. 3791: Mr. BLILEY, Mr. LEACH, and Mr. FRANK of Massachusetts.

H.R. 3903: Mr. HUGHES, Mr. HINCHEY, and Mr. LIVINGSTON.

H.R. 3904: Mr. DORNAN.

H.R. 3906: Mr. RAHALL, Mr. BARRETT of Wisconsin, Mr. JACOBS, Mr. BREWSTER, Mr. DEFAZIO, Mr. HILLIARD, Mr. CRAPO, Mr. COPPERSMITH, Ms. PRYCE of Ohio, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4142: Mr. TRAFICANT and Mr. FINGERHUT.

H.R. 4251: Mr. TEJEDA, Mr. PRICE of North Carolina, Mr. SCOTT, and Mr. DEFAZIO.

H.R. 4291: Ms. COLLINS of Michigan, Mr. TOWNS, and Mr. SMITH of New Jersey.

H.R. 4412: Mr. COMBEST, Mr. JOHNSON of South Dakota, and Mr. PENNY.

H.R. 4423: Mr. MARTINEZ, and Mr. FAZIO.

H.J. Res. 15: Ms. BROWN of Florida, and Mr. ANDREWS of New Jersey.

H.J. Res. 209: Mr. BROWN of California, Mr. GOODLING, Mr. PORTER, Ms. DELAURO, and Mr. CRAMER.

H.J. Res. 356: Ms. DELAURO and Mr. EDWARDS of California.

H. Con. Res. 233: Mr. LEVIN, Mr. GUTIERREZ, and Mr. BILBRAY.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 518

By Mr. QUILLEN:

—Page 46, line 5, strike "Subject" and insert "Subject to section 408(a) and subject".

—Page 46, line 12, strike "STUDY AS TO VALIDITY OF".

—Page 46, after line 12, insert the following:

SEC. 408. (a) Unpatented mining claims, mill sites, and tunnel sites within the boundaries of the park for which an application for a patent was filed on or before December 31, 1993, shall be subject to all mining laws of the United States except for the Act of September 28, 1976 (16 U.S.C. 1901-1912; commonly referred to as the "Mining in the Parks Act").

—Page 46, strike line 13 and insert the following:

(b) Subject to subsection (a), the Secretary shall not approve any plan

—Page 46, line 5, strike "Subject" and insert "Subject to section 408(b) and subject".

—Page 46, line 12, strike "STUDY AS TO VALIDITY OF".

—Page 46, strike line 13 and all that follows through line 16 and insert the following:

SEC. 408. (a) The Secretary shall submit to".

—Page 46, after line 21, insert the following:

(b) Unpatented mining claims, mill sites, and tunnel sites within the boundaries of the park that were located before the date of enactment of this Act shall be subject to all mining laws of the United States except for the Act of September 28, 1976 (16 U.S.C. 1901-1912; commonly referred to as the "Mining in the Parks Act").

By Mr. POMBO:

—Page 34, after line 25, add the following:

ACCESS ROADS

SEC. 112. Notwithstanding any other provision of this Act, there are hereby designated access routes on existing roads, trails, and ways, as mapped by the United States Geological Survey, Bureau of Land Management, and the Automobile Club of Southern California, as follows:

Argus Range, WSA 132B, Attached Map #7, Desert Map #3-5 & D12 (now Argus Range and Death Valley National Park Proposed—12):

Bendire Canyon Road, 18 Acres, Cherrystem 3 Miles;

Bruce Canyon Road, 12 Acres, Cherrystem 2 Miles;

Knight Canyon road, 18 Acres, Cherrystem 3 Miles;

Kopper King Springs Road, 12 Acres, Cherrystem 2 Miles;

Stone Canyon Road, 24 Acres, Corridor 4 Miles;

Water Canyon Road, 24 Acres, Cherrystem 4 Miles;

WSA Acreage (74,890) 82,400 - 105=82,395—18 Miles.

Bighorn Mountains, WSA 217, Attached Map #8, Desert Map #8:

Rattlesnake Canyon Road, 36 Acres, Corridor 6 Miles;

WSA Acreage (39,200) 39,200 - 36=39,164—6 Miles.

Big Maria Mountains, WSA 321, Attached Map #9, Desert Map #9:

Move north boundary to Quien Safe Road, Loss of appx. 4,480 acres):

Maria Mountain Road, 12 Acres, Corridor 2 Miles;

Quien Sabe Road, 30 Acres, Corridor 5 Miles;

WSA Acreage (47,570) 49,700 - 42=49,658—7 Miles; Or 49,700 - 4,480=45,220 - 12=45,676—2 Miles.

Bright Star, WSA 160B, Attached Map #11, Desert Map #12:

Cortez Springs Road, 30 Acres, Corridor 5 Miles;

WSA Acreage (9,520 10,800 - 30=10,770—5 Miles.

Cady Mountains, WSA 251, Attached Map #12, Desert Map #14:

Afton/Basin Loop, 54 Acres, Boundary 9 Miles;

Canyon Crest Road, 66 Acres, Cherrystem 11 Miles;

Hector Road, 36 Acres, Boundary 6 Miles;

North Canyon Road, 30 Acres, Cherrystone 5 Miles;

South Canyon Road, 36 Acres, Cherrystem 6 Miles;

Valley Center Road, 102 Acres, Corridor 17 Miles;
WSA Acreage (85,970) 122,000 – 324=121,676—54 Miles.
Chemehuevi Mountains, WSA 310, Attached Map #14, Desert Map #16:
Blue Boy Mine Road, 24 Acres, Cherrystem 4 Miles;
Picture Rock Road, 12 Acres, Cherrystem 2 Miles;
Red Rock Falls Road, 30 Acres, Cherrystem 5 Miles;
Studio Spring Road, 30 Acres, Cherrystem 5 Miles;
Trampas Canyon Road, 66 Acres, Cherrystem 11 Miles;
WSA Acreage (64,640) 95,820 – 162=95,668—27 Miles.
Chuckwalla Mountains, WSA 348, Attached Map #16, Desert Map #19–21:
Lost Pony Mine Road, 12 Acres, Corridor 2 Miles;
WSA Acreage (80,770) 86,400 – 12=86,399—2 Miles.
Cleghorn Lakes, WSA 304, Attached Map #19, Desert Map #22:
Bullion Mountains Road, 24 Acres, Boundary 4 Miles;
Copper World Mine Road, 12 Acres, Cherrystem 2 Miles;
WSA Acreage (34,380) 42,020 – 36=41,984—6 Miles.
Coso Range, WSA 131, Attached Map #20, Desert Map #24:
Joshua Flats Road, 54 Acres, Cherrystem 9 Miles;
WSA Acreage (50,520) 53,940 – 54=53,886—9 Miles.
Dead Mountains, WSA 276, Attached Map #21, Desert Map #27:
Ibis Road, 30 Acres, Cherrystem 5 Miles;
Picture Canyon Road, 24 Acres, Boundary 4 Miles;
WSA Acreage (48,850) 57,200 – 54=57,146—9 Miles.
Funeral Mountains, WSA 143, Attached Map #25, Desert Map #33 & D18 (now Funeral Mountains & Death Valley National Park Proposed—18):
Funeral Mountain Pass, 30 Acres, Corridor 5 Miles;
WSA Acreage (28,110) 28,100 – 30=28,070—5 Miles; Originally 65,000, 36,890 went to DVNP.
Golden Valley, WSA 170, Attached Map #26, Desert Map #34:
Golden Valley Pass, 54 Acres, Corridor 9 Miles;
Steam Well Road, 30 Acres, Corridor 5 Miles;
WSA Acreage (37,700) 37,700 – 84=37,616—14 Miles.
Granite Mountains, WSA 256, Attached Map #27, Desert Map #35, 36 & M7 (now Bristol Mountains & Mojave National Park Proposed—7):
Heritage Trail, 60 Acres, Corridor 10 Miles;
Onyx Mine Road, 18 Acres, Cherrystem 3 Miles;
WSA Acreage (na) 84,980 – 78=84,902—13 Miles; Originally 134,900, 49,920 went to MNP.
Grass Valley, WSA 173A, Attached Map #28, Desert Map #37:
Bird Spring Road, 54 Acres, Corridor 9 Miles;
Grass Valley Road, 24 Acres, Corridor 4 Miles;
WSA Acreage (31,720) 33,000 – 78=32,922 13 Miles.
Ibex, WSA 149, Attached Map #31, Desert Map #40 & D21 (now Death Valley National Park Proposed—21):
American Mine Road, 18 Acres, Cherrystem 3 Miles;
Confidence Road, 18 Acres, Boundary 3 Miles;
Gladstone Mine Road, 48 Acres, Cherrystem 8 Miles;
Rusty Pick Road, 12 Acres, Cherrystem 2 Miles;
Sheephead Pass Road, 60 Acres, Corridor 10 Miles;
WSA Acreage (26,460) 26,460 – 156=26,304—26 Miles; Originally 53,500 27,040 went to DVNP.
Indian Pass, WSA 355, Attached Map #32, Desert Map #41:
Julian Wash Road, 60 Acres, Corridor 10 Miles;
WSA Acreage (35,015) 40,400 – 60=40,340—10 Miles.
Inyo Mountains, WSA 120/122, Attached Map #33, Desert Map #42–44, D6 & 7 (now Inyo Mountains and Death Valley National Park Proposed—6 & 7):
Blackrock Well Road, 48 Acres, Cherrystem 8 Miles;
Blue Monster Mine Road, 66 Acres, Cherrystem 11 Miles;
Bunker Hill Mine Road, 18 Acres, Cherrystem 3 Miles;
Burgess Well Road, 42 Acres, Cherrystem 7 Miles;
Pat Keyes Canyon Road, 24 Acres, Cherrystem 4 Miles;
Seep Hole Spring Road, 30 Acres, Corridor 5 Miles;
Side Hill Spring Road, 48 Acres, Corridor 8 Miles;
Squaw Spring Road, 18 Acres, Corridor 3 Miles;
WSA Acreage (205,020) 205,020 – 294=204,726—49 Miles; Originally 266,300 61,290 went to DVNP.
Jacumba Mountains, WSA 368, Attached Map #34, Desert Map #45:
Easy Pickins Mine Loop Road, 78 Acres, Corridor 13 Miles;
WSA Acreage (34,550) 37,000 – 78=36,922—13 Miles.
Kelso Dunes, WSA 250, Attached Map #35, Desert Map #46–48 & MB (now Kelso Dunes and Mojave National Park Proposed—7):
Bristol Mine Road, 42 Acres, Cherrystem 7 Miles;
Hytem Spring Pass Road, 96 Acres, Corridor 16 Miles;
Hytem Spring Road, 18 Acres, Cherrystem 3 Miles;
Natural Arch Road, 48 Acres, Cherrystem 8 Miles;
WSA Acreage (129,580) 129,580 – 204=129,376—34 Miles; Originally 215,100 85,520 went to DVNP.
Kiavah, WSA 159, Attached Map #37, Desert Map #49 & 50:
McIvers Spring Road, 36 Acres, Cherrystem 6 Miles;
Cholla Canyon Road, 42 Acres, Corridor 7 Miles;
WSA Acreage (88,290) 90,200 – 78=90,122—13 Miles.
Kingston Mountains, WSA 222, Attached Map #38, Desert Map #51–54:
Eastern Star Mine Road, 42 Acres, Cherrystem 7 Miles;
Kingston Wash Road, 60 Acres, Corridor 10 Miles;
Old Salt Lake Trail Road, 84 Acres, Corridor 14 Miles;
Shadow Valley Road, 60 Acres, Corridor 10 Miles;
WSA Acreage (249,368) 269,500 – 246=269,254—41 Miles.
Little Chuckwalla Mountains, WSA 350, Attached Map #40, Desert Map #55:
Little Chuckwalla Pass Road, 18 Acres, Corridor 3 Miles;
Teague Well Road, 48 Acres, Corridor 8 Miles;
WSA Acreage (46,460) 53,000 – 66=52,934—11 Miles.
Little Pichacho, WSA 356, Attached Map #41, Desert Map #56:
Copper Basin Road, 6 Acres, Corridor 1 Mile;
Hess Mine Road, 12 Acres, Cherrystem 2 Miles;
Marcus Wash Road, 24 Acres, Corridor 4 Miles;
Senator Pass Road, 48 Acres, Corridor 8 Miles;
WSA Acreage (36,440) 41,940 – 90=41,850—13 Miles.
Mecca Hills, WSA 343, Attached Map #43, Desert Map #59:
Hidden Spring Road, 24 Acres, Cherrystem 4 Miles;
WSA Acreage (24,280) 25,360 – 24=25,336—4 Miles; Originally 35,280 9,920 was deleted on map.
Mesquite, WSA 225, Attached May #44, Desert Map #60:
Mesquite Pass Road, 42 Acres, Corridor 7 Miles;
WSA Acreage (47,330) 57,800 – 42=57,758—7 Miles.
Nopah Range, WSA 150, Attached Map #46, Desert Map #63:
Chicago Valley Road, 48 Acres, Boundary 8 Miles;
Old Traction Road, 90 Acres, Boundary 15 Miles;
Pahrump Peak Road, 24 Acres, Cherrystem 4 Miles;
Shaw Mine Road, 12 Acres, Cherrystem 2 Miles;
WSA Acreage (110,880). 116,000 – 174=115,826—27 Miles
North Mesquite Mountains, WSA 223, Attached Map #48, Desert Map #66:
Cub Lee Road, 6 Acres, Corridor 1 Mile;
Old Salt Lake Trail Road, 12 Acres, Boundary 2 miles;
WSA Acreage (25,540) 27,800 – 18=27,782—3 Miles.
Old Women Mountains, WSA 299, Attached Mad #50, Desert Map #67 & 68:
Delete from Wilderness Consideration – 146,070=0 (entire area); or
Black Metal Mine Pass Road, 60 Acres, Corridor 10 Miles.
Enterprise Mine Road, 24 Acres, Cherrystem 4 Miles.
Heritage Trail Road, 36 Acres, Corridor 6 miles.
Mercury Mountain Road, 18 Acres, Boundary 3 Miles.
Old Woman Loop Road, 66 Acres, Corridor 11 Miles.
Painted Rock Loop Road, 18 Acres, Corridor 3 Miles.
Sweetwater/Paramount Road, 36 Acres, Corridor 6 Miles.
Willow Spring Road, 12 Acres, Cherrystem 2 Miles.
WSA Acreage (146,070) 191,000 – 270=190,830—45 Miles.
Orocopia Mountains, WSA 344, Attached Map #51, Desert Map #69:
Orocopia Pass, 54 Acres, Corridor 9 Miles;
Red Canyon, 42 Acres, Boundary 7 Miles;
WSA Acreage (40,770) 56,140 – 96=56,044—16 Miles; originally 77,900 21,760 deleted on map.
Owens Peak, WSA 158, Attached Map #52, Desert Map #70–72:
Cow Canyon Road, 18 Acres, Cherrystem 3 Miles;
Sand Canyon Road, 24 Acres, Cherrystem 4 Miles;
Three Pines Canyon Road, 18 Acres, Cherrystem 3 Miles;
Walker Well Road, 24 Acres, Cherrystem 4 Miles;
WSA Acreage (74,640) 78,200 – 84=78,116—14 Miles.

Pahrump Valley, WSA 154, Attached Map #54, Desert Map #73;
Blackwater Well Pass, 72 Acres, Corridor 12 Miles;
Old Traction Road, 78 Acres, Boundary 13 Miles;
Pahrump Valley Road, 54 Acres, Boundary 9 Miles;
WSA Acreage (74,800) 79,000 – 204=78,796—34 Miles.
Palen/McCoy, WSA 325, Attached Map #55, Desert Map #74 & 75:
Sand Draw Road, 24 Acres, Corridor 4 Miles;
Tank Spring Road, 36 Acres, Corridor 6 Miles;
WSA Acreage (214,149) 225,300 – 60=225,240—10 Miles.
Palo Verde Mountains, WSA 352, Attached Map #56, Desert Map #76:
Clapp Spring Loop Road, 18 Acres, Boundary 3 Miles;
Flat Top Road, 18 Acres, Cherrystem 3 Miles;
WSA Acreage (32,320) 32,320 – 36=32,284—6 Miles.
Picacho Peak, WSA 355a, Attached Map #57, Desert Map #77:
Bear Canyon Road, 18 Acres, Corridor 3 Miles;
Carrizo Falls Road, 18 Acres, Boundary 3 Miles;
WSA Acreage (7,700) 10,499 – 36=10,364—6 Miles.
Piper Mountain, WSA 155, Attached Map #58, Desert Map #79:
Horse Thief Canyon Road, 48 Acres, Boundary 8 Miles;
Lime Hill Pass Road, 48 Acres, Boundary 8 Miles;
Mount Nunn Road, 36 Acres, Cherrystem 6 Miles;
Piper Pass, 42 Acres, Corridor 7 Miles;
Soldier Pass Road, 30 Acres, Corridor 5 Miles;
WSA Acreage (72,600) 86,200 – 204=85,996—34 Miles.
Piute Mountain, WSA 288, Attached Map #59, Desert Map #80;
Fenner Pass Road, 48 Acres, Corridor 8 Miles;
Piute Mine Loop Road, 36 Acres, Cherrystem 6 Miles;
WSA Acreage (37,800) 52,800 – 84=52,716—14 Miles.
Resting Spring Range, WSA 145, Attached Map #61, Desert Map #81:
Old Traction Road, 36 Acres, Boundary 6 Miles;
WSA Acreage (78,868) 84,000 – 36=83,964—6 Miles.
Rice Valley, WSA 322, Attached Map #62, Desert Map #82:
Eagle Nest Mine Loop, 60 Acres, Corridor 10 Miles.
Riverside Mountains, WSA 321A, Attached Map #63, Desert Map #83:
Gold Rice Mine Road, 36 Acres, Corridor 6 miles;
Old Blythe/Vidal Road (Big Wash), 24 Acres, Corridor 4 Miles;
WSA Acreage (22,380) 25,300 – 60=25,240—10 Miles.
Sacatar, WSA 157, Attached Map #64.5, Desert Map #85 & 86:
Sacatar Trail, 42 Acres, Corridor 7 Miles;
WSA Acreage (51,900) 52,600 – 42=52,558—7 Miles.
Santa Rosa Wilderness, WSA 341, Attached Map #66, Desert Map #89:
Pinyon Alta Flat Road, 42 Acres, Cherrystem 7 Miles;
WSA Acreage (53,240) 78,200 – 42=78,158—7 Miles.
Sawtooth Mountains, WSA 060, Attached Map #67, Desert Map #90:
Canebrake Road, 18 Acres, Corridor 3 Miles;
Potrero Road, 24 Acres, Cherrystem 4 Miles;
WSA Acreage (35,400) 35,610 – 42=35,568—7 Miles.
Sheep Hole Valley, WSA 305, Attached Map #69, Desert Map #91 & 92:
Delete from Wilderness Consideration – 174,800=0 (Entire Area); or
Make Sheep Hole Valley Road northeast Boundary =51,200; or
Sheep Hole Valley Road, 86 Acres, Corridor 16 Miles;
WSA Acreage (174,800) 208,900 – 96=208,804—16 Miles.
Stepladder Mountains, WSA 294, Attached Map #75, Desert Map #100:
Chemehuevi Valley Road, 60 Acres, Corridor 10 Miles;
East Stepladder Mountain Road, 60 Acres, Corridor 10 Miles;
North Pass Road, 36 Acres, Corridor 5 Miles;
WSA Acreage (81,600) 85,300 – 156=85,144—26 Miles.
Turtle Mountains, WSA 307, Attached Map #78, Desert Map #104 & 105:
Castle Rock Road, 36 Acres, Cherrystem 6 Miles;
Heritage Trail Road, 90 Acres, Corridor 15 Miles;
Virginia May Mine Road, 18 Acres, Cherrystem 3 Miles;
Horn Peak Well Road, 36 Acres, Cherrystem 6 Miles;
WSA Acreage (144,500) 189,300 – 180=189,120—30 Miles.
Whipple Mountains, WSA 312, Attached Map #79, Desert Map #106:
Whipple Well Road, 30 Acres, Cherrystem 5 Miles.

—Page 39, after line 4, add the following:

ACCESS ROADS

SEC. 208. Notwithstanding any other provision of this Act, there are hereby designated access routes on existing roads, trails, and ways, as mapped by the United States Geological Survey, Bureau of Land Management, and the Automobile Club of Southern California, as follows:

Greenwater Range, WSA 147, Attached Map #29, Desert Map #D19 & D20 (now Death Valley National Park Proposed—19 & 20):
Greenwater Pass Road, 48 Acres, Corridor, 8 Miles;
WSA Acreage (na), 163,900 – 48=163,852, 8 Miles.
Greenwater Valley, WSA 148, Attached Map #30, Desert Map #D24 (now Death Valley National Park Proposed—1):
Virgin Spring Road, 48 Acres, Cherrystem, 8 Miles;
WSA Acreage (na), 54,600 – 48=54,552, 8 Miles.
Hunter Mountain, WSA 123, Attached Map #30.5, Desert Map #D25 (now Death Valley National Park Proposed—2):
Dodd Springs Road, 48 Acres, Corridor, 8 Miles;
WSA Acreage (na), 26,400 – 48=26,352, 8 Miles.
Ibex, WSA 149, Attached Map #31, Desert Map #40 & D21 (now Death Valley National Park Proposed—21):
American Mine Road, 18 Acres, Cherrystem, 3 Miles;
Confidence Road, 18 Acres, Boundary, 3 Miles;
Rusty Pick Road, 12 Acres, Cherrystem, 2 Miles;
Sheephead Pass Road, 60 Acres, Corridor, 10 Miles.
Inyo Mountains, WSA 120/122, Attached Map #33, Desert Map #42–44, D6 & 7 (now Inyo Mountains and Death Valley National Park Proposed—6 & 7):
Blue Monster Mine Road, 66 Acres, Cherrystem 11 Miles;
Pat Keyes Canyon road, 24 Acres, Cherrystem 4 Miles.
Last Chance Range, WSA 112, Attached Map #39, Desert Map #D4:
Cottonwood Creek Road, 24 Acres, Boundary, 4 Miles;
Last Chance Road, 42 Acres, Boundary, 7 Miles;
WSA Acreage (na), 44,900 – 66=4,834, 11.
Manly Peak, WSA 124, Attached Map #42, Desert Map #D16, (now Death Valley National Park Proposed—16):
Redlands Canyon Road, 24 Acres, Cherrystem, 3 Miles;
WSA Acreage (16,105), 20700 – 24=20,676, 3 Miles;, Originally 27,100, 4,595 went to DVNP and 6,400 deleted on map.
North Death Valley, WSA 118/119, Attached Map #47, Desert Map #D5 (now Death Valley National Park Proposed—5):
Oriental Road, 24 Acres, Boundary, 4 Miles;
WSA Acreage (na), 50,200 – 24=50,176, 4 Miles.
Owlshead Mountains, WSA 156, Attached Map #53, Desert Map #D17 (now Death Valley National Park Proposed—17):
Lost Lake Road, 48 Acres, Cherrystem, 8 Miles;
Owl Lake Road, 30 Acres, Cherrystem, 5 Miles;
Owlshead Mountain Road, 78 Acres, Corridor, 13 Miles;
Quail Spring Road, 36 Acres, Cherrystem, 6 Miles;
WSA Acreage (na), 136,100 – 192=135,908, 32 Miles.
Saline Valley, WSA 117/117A, Attached Map #65, Desert Map #D8–10 (now Death Valley National Park Proposed—8):
Eureka Dunes to Saline Valley via Marble Bath, 180 Acres, Corridor, 30 Miles;
WSA Acreage (na), 486,300 – 180=486,120, 30 Miles.
Surprise Canyon, WSA 136, Attached Map #76, Desert Map #101 & D15 (now Surprise Canyon and Death Valley National Park Proposed—15):
Hall/Jail Canyon High Road, 36 Acres, Cherrystem 6 Miles;
Tuber Canyon Road, 30 Acres, Cherrystem 5 Miles;
WSA Acreage (29,180), 29,180 – 66=29,114, 11 Miles; Originally 66,200, 37,020 now in DVNP.
Slate Range/So. Panamint, WSA 137/142, Attached Map #71, Desert Map #D16 (now Death Valley National Park Proposed—16):
North Windgate Pass Road, 48 Acres, Corridor, 8 Miles;
WSA Acreage (na), 86,420 – 48=86,372, 8 Miles; Originally 106,900, 20,480 deleted on map.

—Page 43, after line 12, add the following:

ACCESS ROADS

SEC. 308. Notwithstanding any other provision of this Act, there are hereby designated access routes on existing roads, trails, and ways, as mapped by the United States Geological Survey, Bureau of Land Management, and the Automobile Club of Southern California, as follows:

Eagle Mountain, WSA 334, Attached Map #22, Desert Map #J3, (now Joshua Tree National Park Proposed—2):
Big Wash Road, 72 Acres, Corridor, 12 Miles;
Storm Jade Mine Road, 48 Acres, Corridor, 8 Miles;
WSA Acreage (na) 67,500 – 120=67,380—20 Miles.

—Page 54, after line 4, add the following:

ACCESS ROADS

SEC. 416. Notwithstanding any other provision of this Act, there are hereby designated access routes on existing roads, trails, and ways, as mapped by the United States Geological Survey, Bureau of Land Management, and the Automobile Club of Southern California, as follows:

Castle Peaks, WSA 266, Attached Map #13, Desert Map #M2, (now Mojave National Park Proposed—1):

Coats Spring Road, 12 Acres, Cherrystem, 2 Miles;

Crescent Peak Road, 36 Acres, Boundary, 6 Miles;

Dove Spring Road, 90 Acres, Corridor, 15 Miles;

Indian Spring Road, 12 Acres, Cherrystem, 2 Miles;

Juniper Spring Loop, 48 Acres, Cherrystem, 8 Miles;

WSA Acreage (na) 49,700−186=49,514—31 Miles.

Cima Dome, WSA 237/238, Attached Map #17, Desert Map #M3, (now Mojave National Park Proposed—2):

Deer Spring Loop, 48, Corridor, 8;

WSA Acreage (na) 28,600−48=28,552—8 Miles.

Cinder Cones, WSA 239, Attached Map #18, Desert Map #M4, now MNP—3):

Cane Spring Road, 24 Acres, Corridor, 4 Miles;

Club Peak Road, 48 Acres, Corridor, 8 Miles;

Granite Spring Road, 78 Acres, Corridor, 13 Miles;

Indian Spring Road, 12 Acres, Cherrystem, 2 Miles;

WSA Acreage (na) 63,300−162=63,138—27 Miles.

Fort Piute, WSA 267, Attached Map #23, Desert Map #M6, (now Mojave National Park proposed—5):

Piute Mountains Road, 36 Acres, Boundary, 6 Miles, (Use road as Boundary, loss of 2,480 acres):

WSA Acreage (na) 72,400−36=72,364—6 Miles, Or 72,400−2,480=69,920−0=69,920—0 Miles.

Kelso Mountains, WSA 249, Attached Map #36, Desert Map #M9, (now Mojave National Park Proposed—8):

Kelso Mine Road, 24 Acres, Cherrystem, 4 Miles;

Old Baker to Kelso, Road, 72 Acres, Corridor, 12 Miles;

WSA Acreage (na) 80,500−96=80,404—16 Miles.

Granite Mountains, WSA 256, Attached Map #27, Desert Map #35, 36 & M7, (now Bristol Mountains & Mojave National Park Proposed—7):

Heritage Trail, 60 Acres, Corridor—10 Miles;

Midhills, WSA 264, Attached Map #45, Desert Map #M13, (now Mojave National Park Proposed—2):

Wildcat Springs Road, 36 Acres, Corridor—6 Miles;

WSA Acreage (na) 22,900−36=22,864—6 Miles.

Old Dad Mountains, WSA 243, Attached Map #49, Desert Map #M10, (now Mojave National Park Proposed—9):

Mojave Road Wet Weather Loop Road, 54 Acres, Corridor—9 Miles;

WSA Acreage (na) 100,560−54=100,506—9 Miles.

Providence Mountains: WSA 263, Attached Map #60, Desert Map #M15:

Barber Well Road, 12 Acres, Cherrystem, 2 Miles;

Beecher Canyon Road, 12 Acres, Cherrystem, 2 Miles;

Summit Spring Road, 12 Acres, Cherrystem, 2 Miles;

Tough Nut Spring Road, 36 Acres, Corridor, 6 Miles;

Whiskey Spring Road, 12 Acres, Cherrystem, 2 Miles;

WSA Acreage (na) 64,400−84=64,316, 14 Miles.

South Providence:

Mountains, WSA 262, Attached Map #74, Desert Map #M8, (now Mojave National Park Proposed—7)

Quail Spring Road, 36 Acres, Corridor, 6 Miles;

WSA Acreage (na) 25,700−36=25,664—6 Miles.

Table Mountain, WSA 270, Attached Map #77, Desert Map #M17, (now Mojave National Park Proposed—6):

Woods Wash Road, 24 Acres, Corridor 4 Miles;

WSA Acreage (na) 10,000−24=9,976, 4 Miles.

Woods Mountain, WSA 271, Attached Map #81, Desert Map #M18, (now Mojave National Park proposed—7):

Black Canyon Connection Road, 18 Acres, Corridor, 3 Miles;

Hackberry Mountain Loop Road, 48 Acres, Corridor, 8 Miles;

Watson Wash Road, 24 Acres, Corridor, 4 Miles;

Woods Wash Road, 36 Acres, Corridor, 6 Miles;

WSA Acreage (na) 79,400−126=79,274—21 Miles.

By Mr. YOUNG of Alaska:

—Insert in 609(b) following "to the Committees a"

"report on the fulfillment of the obligations of the Secretary pursuant to Section 12 of Public Law 94-024, as amended and those Native American property accounts to be fulfilled through that act by assignment and the proposed methods of fulfilling such obligations, and a"

—In 609(c)(1) change the first "an" to "a" and insert the word "proposed" after "if an" in the first line and after "report of each such" in the last line.

—Insert in 609(c)(2) following "exchange agreements"

"with Catellus"

—Insert in 609(e) following "completed" at the end of the first sentence

"and a list of the Native American property accounts that have not been fully utilized"

—Insert in 609(f) at the beginning

"Upon 60-day written notice by the Secretary to the holders of the Native American property accounts that have not been fully utilized."

—Add to the end of Section 202 the following:

"Notwithstanding the foregoing, map No. D-19 of the Death Valley National Park Boundary and Wilderness proposed, shall conform to map No. D-19 dated, July 1993—referred to in S. 21 as passed by the Senate on April 13, 1994."

By Mr. DUNCAN:

—Strike Section 702 in its entirety and insert the following:

"Sec. 702.

Authorization of Appropriations. There are hereby authorized to be appropriated to carry out the purposes of the Act an amount not to exceed $36 million for all additional construction and operational costs over the next 5 years and $300 million for all land acquisition costs. No funds in excess of these amounts may be used for any purpose authorized under this Act without additional, specific authorization of an Act of Congress. Provided further, that operational funding and staffing to support new National Park Service responsibilities established pursuant to this Act may not be reallocated from any National Park Service area outside the State of California."

Explanation: This amendment ensures that actual costs for this legislation (as projected by CBO) do not exceed the amount authorized by Congress.

By Mr. LAROCCO:

—Page 43, line 13, strike "PARK" and insert "PRESERVE".

—Page 44, line 3, strike "park" and insert "preserve".

—Page 44, line 15, strike "PARK" and insert "preserve".

—Page 44, line 17, strike "Park" and insert "Preserve".

—Page 45, line 9, strike "park" and insert "preserve".

—Page 45, line 24, insert "(a)" after "SEC. 406.".

Page 45, line 24, strike "park" and insert "preserve".

—Page 46, after line 3, insert the following:

"(b) The Secretary shall permit hunting, fishing, and trapping on lands and waters within the preserve designated by this Act in accordance with the applicable Federal and State laws except that the Secretary may designate areas where, and establish periods when, no hunting, fishing, or trapping will be permitted for reasons of public safety, administration, or compliance with provisions of applicable law. Except in emergencies, regulations closing areas to hunting, fishing, or trapping pursuant to this subsection shall be put into effect only after consultation with the appropriate State agency having responsibility for fish and wildlife. Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the States with respect to fish and wildlife on Federal lands and waters covered by this title nor shall anything in this Act be construed as authorizing the Secretary concerned to require a Federal permit to hunt, fish, or trap on Federal lands and waters covered by this title.".

—Page 46, line 6, strike "park" and insert "preserve".

—Page 46, line 16, strike "park" and insert "preserve".

—Page 46, line 24, strike "park" and insert "preserve".

—Page 47, line 7, strike "park" and insert "preserve."

Page 47, line 10, strike "park" and insert "preserve".

—Page 47, line 20, strike "Park" and insert "Preserve".

—Page 47, line 23, strike "park" and insert "preserve".

—Page 49, line 6, strike "park" and insert "preserve".

—Page 49, line 11, strike "park" and insert "preserve".

—Page 49, line 14, strike "park" and insert "preserve".

—Page 50, line 4, strike "Park" and insert "Preserve".

—Page 50, line 7, strike "park" and insert "preserve".

—Page 50, line 18, strike "Park" and insert "Preserve".

—Page 50, line 21, strike "park" and insert "preserve".

—Page 51, line 5, strike "Park" and insert "Preserve".

—Page 51, line 8, strike "park" and insert "preserve".

—Page 51, line 15, strike "park" and insert "preserve".

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—Page 51, line 17, strike "park" and insert "preserve".
—Page 51, line 20, strike "park" and insert "preserve".
—Page 51, line 22, strike "park" and insert "preserve".
—Page 51, line 25, strike "park-related" and insert "preserve-related".
—Page 51, line 26, strike "park" and insert "preserve".
—Page 52, line 4, strike "park" and insert "preserve".
—Page 52, line 13, strike "park" and insert "preserve".
—Page 53, line 3, strike "park" and insert "preserve".
—Page 53, line 6, strike "park" and insert "preserve".
—Page 53, line 9, strike "park" and insert "preserve".
—Page 53, line 12, strike "park" and insert "preserve".
—Page 53, line 18, strike "park" and insert "preserve".
—Page 53, line 25, strike "park" and insert "preserve".
—Page 54, line 2, strike "PARK" and insert "PRESERVE".
—Page 54, line 4, strike "Park" and insert "Preserve".
—Page 55, line 8, strike "Park" and insert "Preserve".
—Page 59, line 5, strike "wilderness or parks" and insert "wilderness, parks, or preserve".
—Page 59, line 8, strike "wilderness or parks" and insert "wilderness, parks, or preserve".
—Page 59, beginning on line 22, strike "parks and wilderness" and insert "parks, wilderness, and preserve".
—Page 59, line 25, strike "parks and wilderness" and insert "parks, wilderness, and preserve".
—Page 60, beginning on line 4, strike "park or wilderness" and insert "park, wilderness, or preserve".

By Mr. RICHARDSON:

—Page 59, line 22, insert "(a)" after "606.".
—Page 60, after line 11, insert the following:

(b)(1) The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, shall conduct a study, subject to the availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area.

(2) Not later than two years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives on the results of the study conducted under paragraph (1).

—Page 62, after line 25, insert the following:

(3) Any other Federal land, or interest therein, within the State of California, which is or becomes surplus to the needs of the Federal Government. The Secretary may exclude, in his discretion, lands located within or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

—Page 66, after line 2, insert the following:

(3) Any other Federal land, or interest therein, within the State of California, which is or becomes surplus to the needs of the Federal Government. The Secretary may exclude, in his discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

By Mr. THOMAS of Wyoming and Mr. ALLARD:

—On page 61, after line 13, insert the following:

(e) Nothing in this Act shall be construed to affect the operation of federally owned dams located on the Colorado River in the Lower Basin.

(f) Nothing in this Act shall be construed to amend, supersede, or preempt any State law, Federal law, interstate compact, or international treaty pertaining to the Colorado River (including its tributaries) in the Upper Basin, including, but not limited to the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those rivers.

(g) With respect to the Havasu and Imperial wilderness areas designated by section 111 of Title I of this Act, no rights to water of the Colorado River are reserved, either expressly, impliedly, or otherwise.

BRIEF EXPLANATION OF ALLARD-THOMAS AMENDMENT

This amendment ensures that there would be no undesirable impact on the Colorado River and its operations as a consequence of this Act. It provides protections for the Upper Colorado River Basin water entitlements. It is identical to the provision that was included in S. 21 passed by the Senate and was modeled after the language included in the Arizona Desert Wilderness Act which passed in 1990. It clarifies the intent of Congress and ensures consistency in the treatment of the Colorado River with respect to management and water rights.

By Mr. THOMAS of California:

—On page 6, delete lines 13 through 22 and insert the following in lieu thereof:

"(1) Certain lands in the California Desert Conservation Area, the Bureau of Land Management which comprise approximately seventy-four thousand two hundred and fifty acres, as generally depicted on a map entitled 'Argus Range Wilderness—Proposed 1', dated May 1991, and two maps entitled "Argus Range Wilderness—Proposed 2', dated January 1989, and 'Argus Range Wilderness—Proposed 3', dated May 1994, and which shall be known as the Argus Range Wilderness."

By Mr. DELAY:

—Page 69, after line 23, add the following:

TITLE VIII—REQUIREMENT FOR LAND DISPOSAL UPON LAND ACQUISITION

LAND DISPOSAL UPON LAND ACQUISITION

SEC. 801. Within one year of acquiring any non-Federal land or interest therein for any purpose of this Act, the Secretary shall dispose of all right, title, and interest in and to a quantity of Federal lands equal in value to the non-Federal land or interest acquired, as determined by the Secretary.

By Mr. LEWIS of California:

—Page 64, beginning of line 23, strike "the Catellus" and all that follows through " 'Catellus')" and insert "holder of private lands (hereafter in this section referred to as the 'landowner')".
—Page 65, line 3, strike "Catellus" and insert "the landowner".
—Page 65, line 7, strike "Catellus" and insert "the landowner".
—Page 65, line 9, strike "Catellus" and insert "the landowner".
—Page 67, line 8, strike "Catellus" and insert "the landowner".
—Page 67, line 12, strike "Catellus" and insert "private".
—Page 67, line 17, strike "Catellus" and insert "each landowner".
—Page 67, line 19, strike "Catellus" and insert "the landowner".
—Page 67, line 23, strike "Catellus" and insert "The landowner".
—Page 68, line 6, strike "Catellus" and insert the "landowner's".
—Page 68, line 8, strike "Catellus" and insert the "landowner".
—Page 68, line 9, strike "Catellus" and insert "the landowner".
—Page [53], after line—[24], add the following:

MOJAVE NATIONAL PARK ADVISORY COMMISSION

SEC. 416. (a) The Secretary shall establish a Mojave National Park Advisory Commission, which shall have oversight and advisory responsibilities regarding the existing and expansion areas of the park and which shall advise on the deployment and implementation of the management plan required by section 411.

(b) The advisory commission shall—

(1) be operated under the procedures of the Federal Advisory Committee Act;

(2) be composed of representatives from major disciplines and uses within the Mojave National Park;

(3) include an elected official of local government for the jurisdiction within which the park lies; and

(4) have membership from the ranching, mining, and inholders groups.

(c) The advisory commission shall cease to exist ten years after the date of its establishment.

—Page 64, strike line 22 and all that follows through line 9 on page 69 (all of section 609).
—Page—[43], after line—[2], add the following:

JOSHUA TREE NATIONAL PARK ADVISORY COMMISSION

SEC. 308 (a) The Secretary shall establish a Joshua Tree National Park Advisory Commission, which shall have oversight and advisory responsibilities regarding the existing and expansion areas of the park and which shall advise on the development and implementation of the management plan required by section 309.

(b) The advisory commission shall—

(1) be operated under the procedures of the Federal Advisory Committee Act;

(2) be composed of representatives from major disciplines and uses within the Joshua Tree National Park;

(3) include an elected official of local government for the jurisdiction within which the park lies; and

(4) have membership from the ranching, mining, and inholds groups.

(c) The advisory commission shall cease to exist ten years after the date of its establishment.

GENERAL MANAGEMENT PLAN

SEC. 309. Within three years of the date of enactment of this title, the Secretary shall submit to the Committee on Energy and National Resources of the Senate and the Committee on Natural Resources of the House of Representatives, a detailed and comprehensive management plan for the park.

—Page, after line—[21], add the following:

DEATH VALLEY NATIONAL PARK ADVISORY COMMISSION

SEC. 208. (a) The Secretary shall establish a Death Valley National Park Advisory Commission, which shall have oversight and advisory responsibilities regarding the existing and expansion areas of the park and which shall advise on the development and implementation of the management plan required by section 209.

(b) The advisory commission shall—

(1) be operated under the procedures of the Federal Advisory Committee Act.

(2) be composed of representatives from major disciplines and uses within the Death Valley, National Park;

(3) include an elected official of local government for the jurisdiction within which the park lies; and

(4) have membership from the ranching, mining, and inholders groups.

(c) The advisory commission shall cease to exist ten years after the date of its establishment.

GENERAL MANAGEMENT PLAN

SEC. 209. Within three years of the date of enactment of this title, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, a detailed and comprehensive management plan for the park.

—Strike all after the enacting clause and insert the following: That this Act may be cited as the "California Desert and Employment Preservation Act of 1994".

SEC. 2. The Congress finds that—

(a) many areas of undeveloped public land in California and one parcel in Washoe County, Nevada, administered by the Bureau of Land Management have outstanding natural characteristics that give them high value as wilderness and that can, if properly managed, serve as an enduring resource of wilderness for the benefit of the American people;

(b) it is in the national interest that these areas be promptly designated as components of the National Wilderness Preservation System in order to preserve and maintain them as an enduring resource of wilderness to be managed to promote and perpetuate their wilderness character and their specific multiple values for natural systems biodiversity, watershed preservation, wildlife habitat protection, scenic and historic preservation, scientific research and education use, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of present and future generations of the American people; and

(c) certain areas of public lands located in Inyo and Riverside Counties, California are appropriate for transfer from the Bureau of Land Management to the National Park Service as additions to the Death Valley and Joshua Tree National Monuments.

SEC. 3. (a) As used in this Act, the term "public lands" shall have the same meaning as defined in section 103(e) of the Federal Land Policy and Management Act of 1976.

(b) As used in this Act the term "Secretary" means the Secretary of the Interior.

SEC. 4. (a) In furtherance of the purposes of the Wilderness Act, the following public lands are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) Certain public lands in the Bakersfield District of the Bureau of Land Management, California, which comprise approximately fifteen thousand eight hundred and ninety-seven acres, as generally depicted on a map entitled "Owens Peak Proposal", dated June 1988 (CA-1-026).

(2) Certain public lands in the Bakersfield District of the Bureau of Land Management, California, which comprise approximately ten thousand seven hundred and twenty-one acres, as generally depicted on a map entitled "Sacatar Meadows Proposal", dated June 1988 (CA-010-027).

(3) Certain public lands in the Bakersfield District of the Bureau of Land Management, California, which comprise approximately twenty-eight thousand two hundred and ninety-one acres, as generally depicted on a map entitled "Southern Inyo Proposal", dated June 1988 (CA-010-056).

(4) Certain public lands in the Bakersfield District of the Bureau of Land Management, California, which comprise approximately one thousand nine hundred and eighty-three acres, as generally depicted on a map entitled "Pinnacles Proposal", dated June 1988 (CA-040-303).

(5) Certain public lands in the Susanville District of the Bureau of Land Management, California, which comprise approximately seven thousand four hundred and forty-three acres, as generally depicted on a map entitled "Pit River Canyon Proposal", dated June 1988 (CA-020-103).

(6) Certain public lands in the Susanville District of the Bureau of Land Management, California, which comprise approximately seven thousand eight hundred and eighty-nine acres, as generally depicted on a map entitled "Tunnison Mountain Proposal", dated June 1988 (CA-020-311).

(7) Certain public lands in the Susanville District of the Bureau of Land Management, California, which comprise approximately thirty-seven thousand and fifty-five acres located in Lassen County, California, and five hundred and eighty-nine acres located in Washoe County, Nevada, as generally depicted on a map entitled "Skedaddle Proposal", dated June 1988 (CA-020-612). However, the designation of the Skedaddle Wilderness Area will in no way be construed or used to restrain current or future activities associated with the adjacent Sierra Army Depot.

(8) Certain public lands in the Susanville District of the Bureau of Land Management, California, which comprise approximately one thousand one hundred and sixty-one acres, as generally depicted on a map entitled "South Warner Proposal", dated June 1988 (CA-020-708).

(9) Certain public lands in the Ukiah District of the Bureau of Land Management, California, which comprise approximately four thousand one hundred and forty-three acres, as generally depicted on a map entitled "Chemise Mountain Proposal", dated June 1988 (CA-050-111).

(10) Certain public lands in the Ukiah District of the Bureau of Land Management, California, which comprise approximately twenty thousand two hundred and forty-eight acres, as generally depicted on a map entitled "King Range Proposal", dated June 1988 (CA-050-112).

(11) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately three hundred and forty-four acres, as generally depicted on a map entitled "Agua Tibia Proposal" dated June 1988 (CA-060-002).

(12) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-two thousand eight hundred and seventy-five acres, as generally depicted on a map entitled "Sawtooth Mountains Proposal", dated June 1988 (CA-060-024B).

(13) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifteen thousand four hundred and eight acres, as generally depicted on a map entitled "Carrizo George Proposal", dated June 1988 (CA-060-025A).

(14) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately four thousand three hundred and twenty-three acres, as generally depicted on a map entitled "Western Otay Mountain Proposal", dated June 1988 (CA-060-028).

(15) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately six thousand seven hundred and eighty-three acres, as generally depicted on a map entitled "Southern Otay Mountain Proposal", dated June 1988 (CA-060-029).

(16) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately three hundred ninety-two thousand six hundred forty-three acres, as generally depicted on a map entitled "Saline Valley Proposal", dated June 1988 (CDCA-117). Of this acreage approximately thirty thousand two hundred and ninety-five acres are added to the National Park System pursuant to section 4(a)(1) of this Act.

(17) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately two thousand one hundred and fifty-four acres, as generally depicted on a map entitled "Lower Saline Valley Proposal", dated June 1988 (CDCA-117A).

(18) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirty five thousand seven hundred and ninety-two acres, as generally depicted on a map entitled "Little Sand Spring Proposal", dated June 1988 (CDCA-119A). All of this acreage is hereby added to the National Park System pursuant to section 4(a)(1) of this Act.

(19) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifty-eight thousand three hundred and ninety-two acres, as generally depicted on a map entitled "Inyo Mountains Proposal", dated June 1988 (CDCA-122).

(20) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty thousand and thirty acres, as generally depicted on a map entitled "Hunter Mountain Proposal", dated June 1988 (CDCA-123).

(21) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately ninety thousand six hundred and twenty-six acres, as generally depicted on a map entitled "Panamint Dunes Proposal", dated June 1988 (CDCA-127).

(22) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fourteen thousand and seventy-nine acres, as generally depicted on a map entitled "Wild Rose Canyon Proposal", dated June 1988 (CDCA-134).

(23) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty four thousand five hundred and thirty-six acres, as generally depicted on a map entitled "Slate Range Proposal", dated June 1988 (CDCA-142).

(24) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty three thousand four acres, as generally depicted on a map entitled "Funeral Mountains Proposal", dated June 1988 (CDCA-143). Of this acreage approximately fifteen thousand seven hundred

and seventy-eight acres are added to the National Park System pursuant to section 4(a)(1) of this Act.

(25) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty two thousand eight hundred and eleven acres, as generally depicted on a map entitled "Greenwater Valley Proposal", dated June 1988 (CDCA–148).

(26) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately seventy-nine thousand eight hundred and sixty-eight acres, as generally depicted on a map entitled "Nopah Range Proposal", dated June 1988 (CDCA–150).

(27) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately one hundred twenty-one thousand nine hundred and twelve acres, as generally depicted on a map entitled "Owlshead Mountains Proposal", dated June 1988 (CDCA–156).

(28) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirty-two thousand one hundred and twenty-five acres, as generally depicted on a map entitled "Little Lake Canyon Proposal", dated June 1988 (CDCA–157).

(29) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-six thousand one hundred and thirteen acres, as generally depicted on a map entitled "Owens Peak Proposal", dated June 1988 (CDCA–158).

(30) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirteen thousand nine hundred and eighty-six acres, as generally depicted on a map entitled "El Paso Mountains Proposal", dated June 1988 (CDCA–164).

(31) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-nine thousand one hundred and thirteen acres, as generally depicted on a map entitled "Golden Valley Proposal", dated June 1988 (CDCA–170).

(32) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty thousand two hundred and ninety-one acres, as generally depicted on a map entitled "Newberry Mountains Proposal", dated June 1988 (CDCA–206).

(33) Certain public lands in the California Desert District of the Bureau of Land Management California, which comprise approximately seventeen thousand six hundred and thirty acres, as generally depicted on a map entitled "Rodman Mountains Proposal", dated June 1988 (CDCA–207);.

(34) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately eleven thousand sixty-eight acres, as generally depicted on a map entitled "Bighorn Mountains Proposal", dated June 1988 (CDCA–217);.

(35) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately six thousand four hundred and ten acres, as generally depicted on a map entitled "Morongo Proposal", dated June 1988 (CDCA–218).

(36) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately eleven thousand one hundred and sixty-nine acres, as generally depicted on a map entitled "Whitewater Proposal", dated June 1988 (CDCA–218A).

(37) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirty-four thousand three hundred and sixty-nine acres, as generally depicted on a map entitled "Kinston Range Proposal", dated June 1988 (CDCA–222).

(38) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty-one thousand seven hundred and one acres, as generally depicted on a map entitled "Cinder Cones Proposal", dated June 1988 (CDCA–239).

(39) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty-six thousand four hundred and five acres, as generally depicted on a map entitled "Kelso Dunes Proposal", dated June 1988 (CDCA–250).

(40) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty-three thousand two hundred and thirty-two acres, as generally depicted on a map entitled "Bristol/Granite Mountains Proposal", dated June 1988 (CDCA–256).

(41) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-four thousand two hundred and thirty-eight acres, as generally depicted on a map entitled "South Providence Mountains Proposal", dated June 1988 (CDCA–262).

(42) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifty-nine thousand six hundred and eighty-one acres, as generally depicted on a map entitled "Providence Mountains Proposal", dated June 1988 (CDCA–263).

(43) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty-three thousand five hundred and nineteen acres, as generally depicted on a map entitled "Castle Peaks Proposal", dated June 1988 (CDCA–266).

(44) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirty-four thousand eight hundred and fifty-four acres, as generally depicted on a map entitled "Fort Piute Proposal", dated June 1988 (CDCA–267).

(45) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately one hundred sixteen thousand four hundred and eighty acres, as generally depicted on a map entitled "Turtle Mountains Proposal", dated June 1988 (CDCA–307).

(46) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately sixty-one thousand eight hundred and fifty-three acres, as generally depicted on a map entitled "Chemehuevi Mountains Proposal", dated June 1988 (CDCA–310).

(47) Certain public lands in the Yuma, Arizona District of the Bureau of Land Management, located in California, which comprise approximately nine hundred and thirty-eight acres, as generally depicted on a map entitled "Chemehuevi/Needles Addition Proposal", dated June 1988 (AZ–050–004).

(48) Certain public lands in the California Desert District of the Bureau of Land Management, located in California, which comprise approximately seventy two thousand sixty-three acres, as generally depicted on a map entitled "Whipple Mountains Proposal", dated June 1988 (CDCA–312).

(49) Certain public lands in the Yuma, Arizona, District of the Bureau of Land Management, located in California, which comprise approximately one thousand three hundred and forty-three acres, as generally depicted on a map entitled "Whipple Mountains Addition Proposal", dated June 1988 (AZ–050–010).

(50) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately seventy-five thousand six hundred and sixty-five acres, as generally depicted on a map entitled "Palen/McCoy Proposal", dated June 1988 (CDCA–325).

(51) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifty-two thousand seven hundred and eighty-two acres, as generally depicted on a map entitled "Coxcomb Mountains Proposal", dated June 1988 (CDCA–328).

(52) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifty-one thousand four hundred and thirty-four acres, as generally depicted on a map entitled "Eagle Mountains Proposal", dated June 1988 (CDCA–334).

(53) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty-seven thousand one hundred and forty acres, as generally depicted on a map entitled "Santa Rosa Mountains Proposal", dated June 1988 (CDCA–341).

(54) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately seven thousand one hundred and ninety-nine acres, as generally depicted on a map entitled "Mecca Hills Proposal", dated June 1988 (CDCA–343).

(55) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-eight thousand two hundred and seven acres, as generally depicted on a map entitled "Orocopia Mountains Proposal", dated June 1988 (CDCA–344).

(56) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifty-seven thousand thirty acres, as generally depicted on a map entitled "Chuckwalla Mountains Proposal", dated June 1988 (CDCA)–348).

(57) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirty-one thousand four hundred and ninety-three acres, including eight hundred and ninety-one acres adjacent to the Wilderness Study Area, as generally depicted on a map entitled "Julian Wash (formerly Indian Pass) Proposal", dated June 1988 (CDCA–355).

(58) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately five thousand four hundred and fifty-five acres, as generally depicted on a map entitled "Gavilan (formerly Picacho Peak) Proposal", dated June 1988 (CDCA–355A).

(59) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise ap-

proximately twenty-five thousand seven hundred and sixteen acres, as generally depicted on a map entitled "North Algodones Dunes Proposal", dated June 1988 (CDCA-360).

(60) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-six thousand one hundred and twenty-eight acres, as generally depicted on a map entitled "Jacumba Proposal", dated June 1988 (CDCA-368).

(61) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifteen thousand three hundred and fifty-nine acres, as generally depicted on a map entitled "Fish Creek Mountains Proposal", dated June 1988 (CDCA-372).

(62) Certain public lands in the Carson City, Nevada, District of the Bureau of Land Management, located in California, which comprise approximately five hundred and fifty acres, as generally depicted on a map entitled "Carson Iceberg Proposal", dated June 1988 (NV-030-532).

(b) The acreages cited in this Act are approximate. In the event of discrepancies between acreages cited in this Act and the acreages depicted on the referenced maps, the maps shall control.

SEC. 5. As soon as practicable after enactment of this Act, a map and a legal description for each designated wilderness area and area added to the National Park System shall be filed by the Secretary with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical, and cartographic errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Offices of the Director and California State Director, Bureau of Land Management, Department of the Interior.

SEC. 6. (a) Subject to valid existing rights, each wilderness area designated by section 4(a) of this Act shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act (16 U.S.C. 1131 et seq.) and pursuant to the rules and regulations promulgated in implementation thereof.

(b) The following lands are hereby added to the National Park System:

(1) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately one hundred and three thousand eight hundred acres, as described in the Bureau of Land Management's Monument Environmental Impact Statement, 1989, and generally depicted on maps entitled Proposed Additions to National Park System Death Valley National Monument, 1989, are hereby incorporated in, and shall be deemed to be a part of Death Valley National Monument.

(2) Certain public lands which comprise approximately four thousand eight hundred acres, as described in the Bureau of Land Management's Monument Environmental Impact Statement, 1989, and generally depicted on a map entitled: Proposed Addition to National Park System Joshua Tree National Monument, 1989, are hereby incorporated in, and shall be deemed to be a part of Joshua Tree National Monument.

(c) Upon enactment of this title, the lands described in subsection (a) of this section, are, by operation of law and without consideration, transferred to the administrative jurisdiction of the National Park Service. The boundaries of the California Desert District; Death Valley National Monument and Joshua Tree National Monument are adjusted accordingly. The areas added to the National Park System by this section shall be administered in accordance with the provisions of law generally applicable to units of the National Park System.

(d) The Secretary shall, within a reasonable period of time, prepare plans to manage each designated wilderness area.

(e) For purposes of this Act, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the effective date of this Act.

SEC. 7. Any lands within the boundaries of a wilderness area established by this Act that are acquired by the United States after the date of enactment of this Act shall become part of the wilderness area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such wilderness area.

SEC. 8. Except as otherwise provided in this Act, and subject to valid existing rights, all Federal lands established as wilderness by this Act and all lands within wilderness areas designated by this Act which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public lands laws, including the mining, mineral leasing, geothermal leasing, and material sales laws.

SEC. 9. (a) Nothing in this Act designating lands as wilderness shall constitute or be construed to constitute either an express or implied reservation of water or water rights for wilderness purposes. The United States may acquire such water rights as it deems necessary to carry out its responsibilities on any lands designated as wilderness pursuant to the substantive and procedural requirements of the laws of the States of California and Nevada as appropriate.

(b) Nothing in this Act shall be construed to limit the exercise of water rights as provided under California and Nevada State laws as appropriate.

SEC. 10. (a) Military aircraft testing and training activities as well as demilitarization activities in California are an important part of the national defense system of the United States, and are essential in order to secure for the American people of this and future generations an enduring and viable national defense system.

(b) Nothing in this Act shall be construed to restrict, forbid, or interfere with demilitarization activities and the overflight of military aircraft over areas designated in this Act as the components of the National Wilderness Preservation System.

(c) The designation by this Act of wilderness areas in the State of California shall not restrict military overflights of wilderness areas for the purposes of military testing and training.

(d) The fact that military overflights can be seen or heard shall not preclude such activities over the wilderness areas designated by this Act.

(e) Nothing in this Act shall be construed to restrict, forbid, or interfere with demilitarization activities at Sierra Army Depot which is located adjacent to areas designated in this Act as components of the National Wilderness Preservation System and the fact that such demilitarization activities can be detected from within the adjacent wilderness areas shall not preclude such activities.

SEC. 11. In recognition of the past use of portions of the wilderness areas designated by this Act by Indian people for traditional cultural and religious purposes, the Secretary shall assure access to the wilderness areas by Indian people for traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an appropriate Indian tribe or Indian religious community, may from time to time temporarily close to general public use one or more specific portions of wilderness areas in order to protect the privacy of religious cultural activities in such areas by Indian people. Any such closure shall be made so as to affect the smallest practicable area for the minimum period necessary for such purposes.

SEC. 12. The Congress finds and directs that all public lands in the State of California administered by the Bureau of Land Management have been adequately studied for wilderness designation pursuant to sections 202 and 603 of the Federal Land Policy and Management Act of 1976 and those lands not designated as wilderness by this Act are no longer subject to the requirements contained in section 603 of the Federal Land Policy and Management Act of 1976 for management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness and shall be managed for their other resource values in accordance with land management plans developed pursuant to the Federal Land Policy and Management Act; or as part of the National Park System pursuant to section 6 of this Act.

SEC. 13. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

—Page 69, after line 23, add the following:

TITLE VIII—MILITARY LANDS AND OVERFLIGHTS

SEC. 801. SHORT TITLE AND FINDINGS

(a) SHORT TITLE.—This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) military aircraft testing and training activities as well as demilitarization activities in California are an important part of the national defense system of the United States, and are essential in order to secure for the American people of this and future generations an enduring and viable national defense system;

(2) the National Parks and wilderness areas designated by this Act lie within a region critical to providing training, research, and development for the Armed Forces of the United States and its alllies;

(3) there is a lack of alternative sites available for these military training, testing, and research activities;

(4) continued use of the lands and airspace in the California desert region is essential for military purposes; and

(5) continuation of these military activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

SEC. 802. MILITARY OVERFLIGHTS.

(a) OVERFLIGHTS.—Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude low-level overflights of military aircraft over such units, including military

overflights that can be seen or heard within such units.

(b) SPECIAL AIRSPACE.—Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude the designation of new units of special airspace or the use or establishment of military flight training routes over such new park or wilderness units.

(c) NO EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to modify, expand, or diminish any authority under other Federal law.

SEC. 803. WITHDRAWALS.

(a) CHINA LAKE.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) use as a research, development, test, and evaluation laboratory;

(B) use as a range for air warfare weapons and weapon systems;

(C) use as a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support;

(D) geothermal leasing and development and related power production activities; and

(E) subject to the requirements of section 805(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands located within the boundaries of the China Lake Naval Weapons Center, comprising approximately one million one hundred thousand acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal—Proposed", dated January 1985.

(b) CHOCOLATE MOUNTAIN.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) testing and training for aerial bombing, missile firing, tactical maneuvering and air support; and

(B) subject to the provisions of section 805(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately two hundred twenty-six thousand seven hundred and eleven acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed—Withdrawal" dated July 1993.

SEC. 804. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of enactment of this title, the Secretary shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Natural Resources of the United States House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this title except that the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the appropriate offices of the Bureau of Land Management; the office of the commander of the Naval Weapons Center, China Lake, California; the office of the commanding officer, Marine Corps Air Station, Yuma, Arizona; and the Office of the Secretary of Defense, Washington, District of Columbia.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary for the cost of implementing this section.

SEC. 805. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) Except as provided in subsection (g), during the period of the withdrawal the Secretary shall manage the lands withdrawn under section 803 of this title pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this title.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 803 may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders were permitted on the date of enactment of this title;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 803(a) (relating to China Lake));

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(F) geothermal leasing and development and related power production activities on the lands withdrawn under section 803(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including the use described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

(B) The Secretary may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the Navy shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—The Secretary (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 803 of this title during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than three years after the date of enactment of this title.

(d) BRUSH AND RANGE FIRES.—The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 803 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary and the Secretary of the Navy shall (with respect to each land withdrawal under section 803 of this title) enter into a memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 803 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 803.

(f) ADDITIONAL MILITARY USES.—Lands withdrawn under section 803 of this title may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 803. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) MANAGEMENT OF CHINA LAKE.—(1) The Secretary may assign the management responsibility for the lands withdrawn under section 803(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary and the Secretary of the Navy: *Provided*, That nothing in this subsection shall affect geothermal leases issued by the Secretary prior to the date of enact-

ment of this title, or the responsibility of the Secretary to administer and manage such leases, consistent with the provisions of this section. In the case that the Secretary assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary) shall develop such management plan.

(2) The Secretary shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 803(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 803(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary an annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 803(a). The Secretary shall transmit such report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 803(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of understanding between the Secretary and the Secretary of the Navy.

(5) Neither this title nor any other provision of law shall be construed to prohibit the Secretary from issuing and administering any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 803(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Secretary of the Navy.

(6) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary before taking action under that section with respect to the lands withdrawn under section 803(a).

(7) Upon the expiration of the withdrawal or relinquished or China Lake, Navy contracts for the development of geothermal resources at China Lake then in effect (as amended or renewed by the Navy after the date of enactment of this title) shall remain in effect: *Provided*, That the Secretary, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for any such contract.

SEC. 806. DURATION OF WITHDRAWALS.

(a) DURATION.—The withdrawals and reservations established by this title shall terminate twenty-five years after the date of enactment of this title.

(b) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—No later than twenty-two years after the date of enactment of this titles, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this title for which that Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact statement published pursuant to this section. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.

(c) EXTENSIONS OR RENEWALS.—The withdrawals established by this title may not be extended or renewed except by an Act or joint resolution of Congress.

SEC. 807. ONGOING DECONTAMINATION.

(a) PROGRAM.—Throughout the duration of the withdrawals made by this title, the Secretary of the Navy, to the extend funds are made available, shall maintain a program of decontamination of lands withdrawn by this title at least at the level of decontamination activities performed on such lands in fiscal year 1986.

(b) REPORTS.—At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this title and for each subsequent fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the United States Senate and to the Committee on Appropriations, Armed Services, and Natural Resources of the United States House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including—

(1) amounts appropriated and obligated or expended for decontamination of such lands;

(2) the methods used to decontaminate such lands;

(3) amount and types of contaminants removed from such lands;

(4) estimated types and amounts of residual contamination on such lands; and

(5) an estimate of the costs for full contamination of such lands and the estimate of the time to complete such decontamination.

SEC. 808. REQUIREMENTS FOR RENEWAL.

(a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 803 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the Navy concludes that there will be a continuing military need for any of such lands after the termination date, the Secretary of the Navy shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this title, the Secretary of the Navy shall file a notice of intention to relinquish with the Secretary.

(b) CONTAMINATION.—(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of the Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) DECONTAMINATION.—If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary, in consultation with the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) ALTERNATIVES.—If the Secretary, after consultation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of public land laws, or if Congress does not appropriate a sufficient amount of funds for the decontamination of such land, the Secretary shall not be required to accept the land proposed for relinquishment.

(e) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated state, the Secretary declines to accept jurisdiction over lands withdrawn by this title which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this title the Secretary determines that some of the lands withdrawn by this title are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Navy shall report to the Secretary and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(f) REVOCATION AUTHORITY.—Notwithstanding any other provision of law, the Secretary, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to revoke the withdrawal and reservation established by this title as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary; and

(3) state the date upon which the lands will be opened to the operation of some or all of the public lands law, including the mining laws.

SEC. 809. DELEGABILITY.

(a) DEPARTMENT OF DEFENSE.—The functions of the Secretary of Defense or the Secretary of the Navy under this title may be delegated.

(b) DEPARTMENT OF THE INTERIOR.—The functions of the Secretary under this title may be delegated, except that an order described in section 808(f) may be approved and signed only by the Secretary, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 810. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this title shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

SEC. 811. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 803 of this title.

SEC. 812. EL CENTRO RANGES.

The Secretary is authorized to permit the Secretary of the Navy to use until January 1, 1997, the approximately forty-four thousand eight hundred and seventy acres of public lands in Imperial County, California, known as the East Mesa and West Mesa ranges, in accordance with the Memorandum of Understanding dated June 29, 1987, between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy. All military uses of such lands shall cease on January 1, 1997, unless authorized by a subsequent Act of Congress.

—At the end of the bill, add the following new section:

"SEC. 703. JOB CREATION.

"The Secretary may, in consultation with the Secretary of Labor, waive any provision of this Act, in whole or in part, which causes substantial unemployment."

Explanation: This amendment allows the Secretary to waive any provision of this act which causes substantial unemployment.

—At the end of the bill, insert the following new section:

"SEC. 703. EFFECTIVE DATE.

This Act shall take effect in the fiscal year following the first fiscal year after date of enactment of this Act in which Federal revenues are equal to or greater than Federal expenditures."

Explanation: This amendment delays the bill's effective date until the federal budget is balanced.

—At the end of the bill, add the following new section:

"SEC. 703. REQUIREMENT OF LAND DISPOSAL UPON LAND ACQUISITION.

Within one year of acquiring any non-federal lands or interests therein for any purpose of this Act, the Secretary shall dispose of all right, title and interest in and to a quantity of federal lands equal in value to the non-federal lands or interest acquired, as determined by the Secretary. The Secretary shall not dispose of any wilderness areas, wilderness study areas or lands owned by the National Park Service for the purposes of this section."

—At the end of the bill, add the following new section:

"SECTION 703. LAND APPRAISAL.

Lands and interests in lands acquired pursuant to this act shall be appraised for their highest and best use without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)"

Explanation: This amendment would prevent appraisals on inholdings from taking into account the presence of a threatened or endangered species.

—On page 46, delete lines 23–26, and replace with the following:

"SEC. 409. (a) Grazing of domestic livestock on lands within the park shall continue in perpetuity pursuant to the same laws and regulations applicable on the date of enactment. The Bureau of Land Management shall continue to administer this activity."

Explanation: This amendment continues existing grazing allotments in the Mojave National Park in perpetuity and continues BLM adminsitration the grazing program.

—At the end of the bill, add the following new section:

"SECTION 703. FOREIGN MINERAL DEPENDENCE.

The Secretary shall waive any provision of this Act, in whole or in part, if such provision is determined to require importation of any mineral from any foreign nation in excess of 90 percent of 1992 domestic consumption. Such determination shall be made within one year of enactment of this Act by the Director of the Bureau of Mines, Department of the Interior, who shall consider all alternatives for these minerals."

—At the end of the bill, add the following new section:

"SECTION 703. FOREIGN MINERAL DEPENDENCE.

The Secretary shall waive any provision of this Act, in whole or in part, if such provision is determined to require importation of any mineral from any foreign nation in excess of 80 percent of 1992 domestic consumption. Such determination shall be made within one year of enactment of this Act by the Director of the Bureau of Mines, Department of the Interior, who shall consider all alternatives for these minerals."

—At the end of the bill, add the following new section:

"SECTION 703. FOREIGN MINERAL DEPENDENCE.

The Secretary shall waive any provision of this Act, in whole or in part, if such provision is determined to require importation of any mineral from any foreign nation in excess of 70 percent of 1992 domestic consumption. Such determination shall be made within one year of enactment of this Act by the Director of the Bureau of Mines, Department of the Interior, who shall consider all alternatives for these minerals."

—"On page 53, insert a period after the word "thereof" on line 20 and delete lines 21–16."

Explanation: This amendment would prohibit the Secretary from using condemnation to acquire lands within the Mojave National Park.

—At the end of the bill, add the following new section:

"SEC. 703. REGULATORY RELIEF.

The Secretary shall, upon petition from an entity impacted adversely by any regulations promulgated by this Act, notify the agencies and bureaus involved with promulgating and administering those regulations and suggest to those agencies and bureaus that regulations be waived which interfere with reasonable economic uses of the lands involved. Nothing in this section shall affect the ability of the Secretary to carry out his duties otherwise provided by law."

Explanation: This amendment creates within the Office of the Secretary a place where parties adversely impacted by this Act can seek regulatory relief.

—At the end of the bill, add the following new section:

"SECTION 703. EFFECTIVE DATE.

This Act shall take effect when the National Park Service has reduced the nationwide backlog of land acquisition by 50 percent. The scope of the backlog shall be determined as of the date of enactment of this Act, by the Director of the Office of Management and Budget, and shall certify when the backlog has been reduced by the requirements of this section."

—On page 53, after line 24, insert the following:

SEC. 416. NO ADVERSE EFFECT ON LAND UNTIL ACQUIRED.

With the exception of lands owned by the California State Lands Commission and the Catellus Development Corporation, the owners of all lands acquired pursuant to this Act and the Wilderness Act or their designees shall be entitled to full use and enjoyment of such lands and nothing in the Act shall be—

(1) construed to impose any limitation upon any otherwise lawful use of these lands by the owners thereof or their designees.

(2) construed as authority to defer the submission, review, approval or implementation of any land use permit or similar plan with respect to any portion of such lands, or

(3) construed to grant a cause of action against the owner thereof or their designee, except to the extent that the owners thereof or their designees may, of their own accord, agree to defer some or all lawful enjoyment and use of any such lands for a certain period of time.

—On page 69, line 10, after Section 609 insert the following new section:

"ECONOMIC IMPACT STATEMENT

SEC. 610. (a) Notwithstanding any other provision of this Act, lands in the State of California designated in sections 102, 402, and 501 of this Act shall not be designated as wilderness or established as a national park or monument unless—

(1) the Secretary has prepared an economic impact analysis with respect to each land designation;

(2) the Secretary determines, based on that analysis, that the environmental benefits of each land designation outweigh the economic costs of each land designation; and

(3) the Secretary publishes an economic impact statement describing the findings of that analysis.

(b)(1) The Secretary shall perform an economic impact analysis in accordance with this paragraph with respect to each land designation in sections 102, 402, and 501.

(2) An economic impact analysis under this paragraph shall include the following:

(A) The economic consequences of each land designation, including aggregate statistical data which indicates—

(i) identifiable and potential job losses or diminishments resulting from a designation.

(ii) identifiable losses or diminishments in the value of real property resulting from a designation; and

(iii) losses or diminishments in the value of business enterprises resulting from a designation.

(B) The effect that a designation will have on revenues received by the Federal Government or by State and local governments, including any revenue losses attributable to losses or diminishments in value described in clause (i).

(C) The effects that a designation will have on outlays by Federal, State, and local governments, including—

(i) effects on payments made pursuant to paragraph (1).

(ii) effects on expenditures required for Federal unemployment compensation, aid to families with dependent children, Medicaid, and other Federal, State, and local programs.

(iii) the effect that a designation will have on the competitive position of any individual business or aggregate industry affected by a designation, determined jointly with the Secretary of Commerce, and

(iv) any other potential economic, budgetary, or ecological effects that the Secretary considers appropriate.

(c) Not later than one year after the date of enactment, the Secretary shall determine, based on the analysis performed under paragraph (2), whether the economic costs of each designation outweigh the environmental benefits of each designation.

(d) In implementing this Act with respect to each land designation in subsections 102, 402, and 501, the Secretary shall limit losses incurred by persons as a result of each land designation.

(e) The Secretary shall pay to any person who incurs an economic loss as a result of a land designation the amount of that loss, including—

(1) any diminishment in the value of tangible or intangible property, and

(2) any loss resulting from the loss or diminishment of a job.

(f) The Secretary shall issue regulations establishing procedures for obtaining payments under this subsection.

(g) A person may not recover any amount under this subsection for any de minimis or wholly speculative loss.

(h) Any denial by the Secretary of an application for payment under this subsection may be appealed in the appropriate Federal district court of the United States, including any determination by the Secretary that a person is ineligible for payment by reason of paragraph (3).

(i) Any person (including any State or local governmental entity) may intervene in any proceeding under this subsection for the purpose of assisting the Secretary in issuing payments under this subsection to individuals or businesses who suffer demonstrable loss as a result of a land designation.

By Mr. LEHMAN:

—Page 47, line 19, Section 410(a)(1), after "Southern California Edison Company," add "its successors or assigns,"

—Amend Section 402 (relating to Establishment of the Mojave National Park) of bill to read as follows:

"Sec. 402. There is hereby established the Mojave National Park, comprising approximately one million four hundred nineteen thousand eight hundred acres, as generally depicted on a map entitled "Mojave National Park Boundary—Proposed" dated May 17, 1994, which shall be on file and available for inspection in the appropriate offices of the Director of the National Park Service, Department of the Interior."

—In Section 103, insert (a) before section and create a new subsection (b) to read as follows:

(b) Wildlife Management.—In furtherance of the purposes of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title, where consistent with relevant wilderness management plans, in accordance with appropriate policies and guidelines, as set forth in section 101(h) of Public Law 101–628.

(c) Law Enforcement Border Activities.—(1) Nothing in this title, including the designation as wilderness of lands within the Jacumba Wilderness, Coyote Mountains Wilderness, and Fish Creek Mountains Wilderness designated in section 102 of this Act, shall be construed as—

(A) precluding or otherwise affecting continued border operations by the Immigration and Naturalization Service, the Drug Enforcement Administration, or the United States Customs Service within such wilderness areas, in accordance with any applicable interagency agreements in effect on the date of enactment of this Act; or

(B) precluding the Attorney General of the United States or the Secretary of the Treasury from entering into new or renewed agreements with the Secretary concerning Immigration and Naturalization Service, Drug Enforcement Administration, or United States Custom Service border operations within such wilderness areas, consistent with management of the wilderness areas for the purpose for which such wilderness areas were established, and in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2)(A) Within six months after the date of enactment of this title, the Secretary, in consultation with the Secretary of the Treasury and the Attorney General of the United States, shall review all regulations and policies relating to law enforcement activities within the wilderness areas referred to in paragraph (1) to ensure that such regulations provide Federal law enforcement agencies with adequate authority to engage in law enforcement activities within such wilderness areas.

(B) Upon completion of the review referred to in subparagraph (A), the Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives on the adequacy of existing authority for Federal law enforcement agencies to engage in law enforcement activities within such wilderness areas.

—In Subsection 103, insert (a) before section and create a new subsection (b) to read as follows:

(b) Wildlife Management.—In furtherance of the purposes of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title, where consistent with relevant wilderness management plans, in accordance with appropriate policies and guidelines, as set forth in section 101(h) of Public Law 101–628.

(c) Law Enforcement Border Activities.—(1) Nothing in this title, including the designation as wilderness of lands within the Jacumba Wilderness, Coyote Mountains Wilderness, and Fish Creek Mountains Wilderness designated in section 102 of this Act, shall be construed as—

(A) precluding or otherwise affecting continued border operations by the Immigration and Naturalization Service, the Drug Enforcement Administration, or the United States Customs Service within such wilderness areas, in accordance with any applicable interagency agreements in effect on the date of enactment of this Act; or

(B) precluding the Attorney General of the United States or the Secretary of the Treasury from entering into new or renewed agreements with the Secretary concerning Immigration and Naturalization Service, Drug Enforcement Administration, or United States Custom Service border operations within such wilderness areas, consistent with management of the wilderness areas for the purpose of which such wilderness areas were established, and in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(C) precluding or otherwise affecting aerial or motor vehicle access utilized by state and local law enforcement agencies required for hot pursuit, search and rescue operations, or other emergency response in accordance with provisions of the Wilderness Act.

(2)(A) Within six months after the date of enactment of this title, the Secretary, in consultation with the Secretary of the Treasury and the Attorney General of the United States, shall review all regulations and policies relating to law enforcement activities within the wilderness areas referred to in paragraph (1) to ensure that such regulations provide Federal law enforcement agencies with adequate authority to engage in law enforcement activities within such wilderness areas.

(B) Upon completion of the review referred to in subparagraph (A), the Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives on the adequacy of existing authority for Federal law enforcement agencies to engage in law enforcement activities within such wilderness areas.

—In section 103, make a new subsection (a) for existing text and insert new subsections (b) and (c):

(b) Wildlife Management.—In furtherance of the purposes of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title, where consistent with relevant wilderness management plans, in accordance with appropriate policies and guidelines, as set forth in section 101(h) of Public Law 101–628.

(c) Law Enforcement Border Activities.—Nothing in this Act, including the designation as wilderness of lands within the Coyote, Fish Creek Mountains, and Jacumba wilderness areas designated in section 102 of this Act, the Wilderness Act, or other land management laws generally applicable to such areas, shall restrict or preclude continued law enforcement and border operations within such areas, including the use of motor vehicles and aircraft by the Immigration and Naturalization Service, the Drug Enforcement Administration, the United States Customs Service, or State and local law enforcement agencies in such manner and subject to such restrictions as may be determined by the Attorney General of the United States or Secretary of the Treasury, as appropriate, in consultation with the Secretary.

—Page 69, after line 23, add the following:

TITLE VIII—PROTECTION OF BODIE BOWL

SEC. 801. SHORT TITLE.

This title may be cited as the "Bodie Protection Act of 1994".

SEC. 802. FINDINGS.

The Congress finds that—

(1) the historic Bodie gold mining district in the State of California is the site of the largest and best preserved authentic ghost town in the Western United States;

(2) the Bodie Bowl area contains important natural, historical, and aesthetic resources;

(3) Bodie was designated a National Historical Landmark in 1961 and a California State Historic Park in 1962, is listed on the Na-

tional Register of Historic Places, and is included in the Federal Historic American Buildings Survey;

(4) nearly 200,000 persons visit Bodie each year, providing the local economy with important annual tourism revenues;

(5) the town of Bodie is threatened by proposals to explore and extract minerals; mining in the Bodie Bowl area may have adverse physical and aesthetic impacts on Bodie's historical integrity, cultural values, and ghosttown character as well as on its recreational values and the area's flora and fauna;

(6) the California State Legislature, on September 4, 1990, requested the President and the Congress to direct the Secretary of the Interior to protect the ghosttown character, ambience, historic building, and scenic attributes of the town of Bodie and nearby areas;

(7) the California State Legislature also requested the Secretary, if necessary to protect the Bodie Bowl area, to withdraw the Federal lands within the area from all forms of mineral entry and patent;

(8) the National Park Service listed Bodie as priority one endangered National Historic Landmark in its fiscal year 1990 and 1991 report to Congress entitled "Threatened and Damaged National Historic Landmarks" and recommended protection of the Bodie area; and

(9) it is necessary and appropriate to provide that all Federal lands within the Bodie Bowl area are not subject to location, entry, and patent under the mining laws of the United States, subject to valid existing rights, and to direct the Secretary to consult with the Governor of the State of California before approving any mining activity plan within the Bodie Bowl.

SEC. 803. DEFINITIONS.

For purposes of this title:

(1) The term "Bodie Bowl" means the Federal lands and interests in lands within the area generally depicted on the map referred to in section 804(a).

(2) The term "mineral activities" means any activity involving mineral prospecting, exploration, extraction, wiling, beneficiation, processing, and reclamation.

(3) The term "Secretary" means the Secretary of the Interior.

SEC. 804. APPLICABILITY OF MINERAL MINING, LEASING AND DISPOSAL LAWS.

(a) RESTRICTION.—Subject to valid existing rights, after the date of enactment of this title Federal lands and interests in lands within the area generally depicted on the map entitled "Bodie Bowl" and dated June 12, 1992, shall not be—

(1) open to the entry or location of mining and mill site claims under the general mining laws of the United States;

(2) subject to any lease under the Mineral Leasing Act (30 U.S.C. 181 and following) or the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following), for lands within the Bodie Bowl; and

(3) available for disposal of mineral materials under the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following).

Such map shall be on file and available for public inspection in the Office of the Secretary, and appropriate offices of the Bureau of Land Management and the National Park Service. As soon as practicable after the date of enactment of this title the Secretary shall publish a legal description of the Bodie Bowl area in the Federal Register.

(b) VALID EXISTING RIGHTS.—As used in this subsection, the term "valid existing rights" in reference to the general mining laws means that a mining claim located on lands within the Bodie Bowl was properly located and maintained under the general mining laws prior to the date of enactment of this title, was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the date of enactment of this title, and that such claim continues to be valid.

(c) VALIDITY REVIEW.—The Secretary shall undertake an expedited program to determine the validity of all unpatented mining claims located within the Bodie Bowl. The expedited program shall include an examination of all unpatented mining claims, including those for which a patent application has not been filed. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void, except that the Secretary shall not challenge the validity of any claim located within the Bodie Bowl for the failure to do assessment work for any period after the date of enactment of this title. The Secretary shall make a determination within respect to the validity of each claim referred to under this subsection within 2 years after the date of enactment of this title.

(d) LIMITATION ON PATENT ISSUANCE.—

(1) MINING CLAIMS.—(A) After January 11, 1993, no patent shall be issued by the United States for any mining claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before such date; and

(ii) all requirements established under section 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, 37) for placer claims were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mining claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this title, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

(2) MILL SITE CLAIMS.—(A) After January 11, 1993, no patent shall be issued by the United States for any mill site claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before January 11, 1993; and

(ii) all requirements applicable to such patent application were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mill site claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this title, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

SEC. 805. MINERAL ACTIVITIES.

(a) IN GENERAL.—Notwithstanding the last sentence of section 302(b) of the Federal Land Policy and Management Act of 1976, and in accordance with this title and other applicable law, the Secretary shall require that mineral activities be conducted in the Bodie Bowl so as to—

(1) avoid adverse effects on the historic, cultural, recreational and natural resource values of the Bodie Bowl; and

(2) minimize other adverse impacts to the environment.

(b) RESTORATION OF EFFECTS OF MINING EXPLORATION.—As soon as possible after the date of enactment of this title, visible evidence or other effects of mining exploration activity within the Bodie Bowl conducted on or after September 1, 1988, shall be reclaimed by the operator in accordance with regulations prescribed pursuant to subsection (d).

(c) ANNUAL EXPENDITURES; FILING.—The requirements for annual expenditures on unpatented mining claims imposed by Revised Statute 2324 (30 U.S.C. 28) shall not apply to any such claim located within the Bodie Bowl. In lieu of filing the affidavit of assessment work referred to under section 314(a)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(a)(1)), the holder of any unpatented mining or mill site claim located within the Bodie Bowl shall only be required to file the notice of intention to hold the mining claim referred to in such section 314(a)(1).

(d) REGULATIONS.—The Secretary shall promulgate rules to implement this section, in consultation with the Governor of the State of California, within 180 days after the date of enactment of this title. Such rules shall be no less stringent than the rules promulgated pursuant to the Act of September 28, 1976 entitled "An Act to provide for the regulation of mining activity within, and to repeal the application of mining laws to, areas of the National Park System, and for other purposes" (Public Law 94-429; 16 U.S.C. 1901-1912).

SEC. 806. STUDY.

Beginning as soon as possible after the date of enactment of this title, the Secretary of the Interior shall review possible actions to preserve the scenic character, historical integrity, cultural and recreational values, flora and fauna, and ghost town characteristics of lands and structures within the Bodie Bowl. No later than 3 years after the date of such enactment, the Secretary shall submit to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report that discusses the results of such review and makes recommendations as to which steps (including but not limited to acquisition of lands or valid mining claims) should be undertaken in order to achieve these objectives.

—Page 34, after line 25, insert the following:

LAW ENFORCEMENT ACCESS

SEC. 112. Nothing in this Act, including the wilderness designations made by this Act, may be construed to preclude Federal, State, and local law enforcement agencies from conducting law enforcement and border operations as permitted before the enactment of this Act, including the use of motor vehicles and aircraft, on any lands designated as wilderness by this Act.

—Page—[34], after line—[18], insert the following:

SEC. 112. FISH AND WILDLIFE MANAGEMENT.

As provided in section 4(d)(7) of the Wilderness Act, nothing in this title shall be construed as affecting the jurisdiction of the State of California with respect to fish and wildlife on the public lands located in that State. Management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas desig-

nated by this title and shall include the use of motorized vehicles by the appropriate State agencies, particularly where such agencies deem vehicular access is necessary to maintain water sources constructed to preserve desert bighorn sheep and other wildlife.

By Mr. MILLER of California:

—1. p. 10, line 12, after "a road" insert "and utilities"

Explanation: Adds reference to utilities to provision authorizing a right-of-way for military corridor to connect Twenty-Nine Palms training area and Fort Irwin.

—2. p. 16, lines 18 and 19, strike "two hundred forty-nine thousand three hundred and sixty-eight acres" and in lieu thereof insert "two hundred nine thousand six hundred and eight acres"

Explanation: Reduces wilderness acreage in Kingston Range to correspond to that in S. 21 as passed by Senate, to avoid prejudice to future decisions about possible expansion of Fort Irwin National Training Center.

—3. p. 17, line 4, strike "May 1991" and in lieu thereof insert "July 1993"

Explanation: Conforms map date for Little Chuckwalla area to that in S. 21 (acreages are already the same)

—4. p. 32, after line 2 insert a new paragraph, as follows:

—"(5) Certain lands which comprise approximately thirty-nine thousand seven hundred and sixty acres, as generally depicted on a map entitled "Kingston Range Potential Future Wilderness," dated May 1994.

Explanation: Retains in current management (wilderness study status) those Kingston Range lands adjacent to Fort Irwin deleted from wilderness by amendment number 2.

—5. p. 54, lines 13 and 14, strike "one hundred seventy-nine thousand four hundred and eighteen acres" and in lieu thereof insert "one hundred sixty-two thousand one hundred and thirty-eight acres".

Explanation: Reduces acreage of wilderness designation in southern part of additions to Death Valley National Park by 17,280 acres, to leave a non-wilderness zone within the park, adjoining northern boundary of Fort Irwin National Training Center.

—1. p. 38. line 13, strike Section 207 in its entirety, and renumber subsequent sections accordingly.

Explanation: Deletes section on grazing in Death Valley National Park.

—2. p. 46, line 22, strike section 409 in its entirety, and renumber subsequent sections accordingly.

Explanation: Deletes section on grazing in Mojave National Park.

—3. p. 38, strike lines 14 through 17 and in lieu thereof insert the following:

"SEC. 207 (a) The Secretary shall permit continuation of the privilege of grazing domestic livestock on lands within the park, at no more than the current level, pursuant to grazing permits or leases in effect as of the date of enactment of this Act and subject to all applicable laws and National Park Service regulations, but shall not renew any such permit or lease after its expiration, and shall not approve any transfer of any such permit or lease to any party other than the party entitled to exercise such privilege as of such date of enactment."

Explanation: This would allow current grazing permittees to continue to graze livestock within Death Valley National Park until expiration of current grazing permits or leases.

—4. p. 46, strike lines 23 through 26 and in lieu there of insert the following:

"SEC. 409 (a) The Secretary shall permit continuation of the privilege of grazing domestic livestock on lands within the park, at no more than the current level, pursuant to grazing permits or leases in effect as of the date of enactment of this Act and subject to all applicable laws and National Park Service regulations, but shall not renew any such permit or lease after its expiration, and shall not approve any transfer of any such permit or lease to any party other than the party entitled to exercise such privilege as of such date of enactment."

Explanation: This would allow current grazing permittees to graze livestock in Mojave National Park until expiration of current grazing permits or leases.

—5. p. 69, after line 9 insert a new section, as follows:

"PHASE-OUT OF GRAZING IN DEATH VALLEY AND MOJAVE NATIONAL PARKS

"SEC. 610.—Notwithstanding any other provision of this Act or other law, on Federal lands within the boundaries of Death Valley National Park and Mojave National Park as established by this Act, the privilege of grazing domestic livestock may continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations, by those parties who were entitled to exercise such privilege on such lands on May 16, 1994. Upon the expiration of the grazing permits or leases held by such parties on such date, the Secretary, acting through the Director of the National Park Service, may issue to such parties new permits for such grazing on such lands, subject to all applicable laws and to National Park Service regulations, but all grazing of domestic livestock on such lands shall cease on June 1, 2019. For purposes of section 207(b) or 409(b), as applicable, a party covered by this section shall be deemed to be a person holding a grazing permit referred to in section 207(a) or 409(a) as applicable."

Explanation: As in House-passed California Desert bill of 1991, this would allow current permittees to continue grazing in Death Valley and Mojave National Parks for up to 25 years.

—Page 69, after line 23, add the following:

TITLE VIII—CALIFORNIA MILITARY LANDS WITHDRAWAL

SEC. 801. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) the Federal lands within the desert regions of California have provided essential opportunities for military training, research, and development for the Armed Forces of the United States and allied nations;

(2) alternative sites for military training and other military activities carried out on Federal lands in the California desert area are not readily available;

(3) while changing world conditions have lessened to some extent the immediacy of military threats to the national security of the United States and its allies, there remains a need for military training, research, and development activities of the types that have been carried out of Federal lands in the California desert area; and

(4) continuation of existing military training, research, and development activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

SEC. 802. WITHDRAWALS.

(a) CHINA LAKE.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) use as a research, development, test, and evaluation laboratory;

(B) use as a range for air warfare weapons and weapon systems;

(C) use as a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support; and

(D) subject to the requirements of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands, located within the boundaries of the China Lake Naval Weapons Center, comprising approximately 1,100,000 acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal—Proposed", dated January 1985, and filed in accordance with section 803.

(b) CHOCOLATE MOUNTAIN.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) testing and training for aerial bombing, missile firing, tactical maneuvering and air support; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 226,711 acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed—Withdrawal" dated July 1993 and filed in accordance with section 803.

(c) EL CENTRO RANGES.—(1) Subject to valid existing rights, and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundaries of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws) but not the mineral or geothermal leasing laws. Such lands are reserved for use by the Secretary of the Navy for—

(A) defense-related purposes in accordance with the Memorandum of Understanding dated June 29, 1987, between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy; and

(B) subject to the provisions of section 804(f), other defense-related purposes consist-

ent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 46,600 acres in Imperial County, California, as generally depicted on a map entitled "Exhibit A, Naval Air Facility, El Centro, California, Land Acquisition Map, Range 2510 (West Mesa) dated March 1993 and a map entitled "Exhibit B, Naval Air Facility, El Centro, California, Land Acquisition Map Range 2512 (East Mesa)" dated March 1993.

SEC. 803. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of enactment of this title, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Natural Resources of the United States House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this title except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the Office of the Director of the Bureau of Land Management, Washington, District of Columbia; the Office of the Director, California State Office of the Bureau of Land Management, Sacramento, California; the office of the commander of the Naval Weapons Center, China Lake, California; the office of the commanding officer, Marine Corps Air Station, Yuma, Arizona; and the Office of the Secretary of Defense, Washington, District of Columbia.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for the cost of implementing this section.

SEC. 804. MANAGEMENT OF WITHDRAWN LANDS.

(A) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) Except as provided in subsection (g), during the period of the withdrawal the Secretary of the Interior shall manage the lands withdrawn under section 802 pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this Act.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 802 may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of enactment of this title;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 802(a) (relating to China Lake));

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(F) geothermal leasing on the lands withdrawn under section 802(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

(B) The Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the Navy shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—The Secretary of the Interior (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 802 during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than three years after the date of enactment of this title.

(d) BRUSH AND RANGE FIRES.—The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 802 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of the Interior and the secretary of the Navy shall (with respect to each land withdrawal under section 802) enter into a memorandum of understanding to implement the management plan developed under subsection (c) Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 802 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 802.

(f) ADDITIONAL MILITARY USES.—(1) Lands withdrawn by section 802 may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 802. Such notification shall indicate the additional use of uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) MANAGEMENT OF CHINA LAKE.—(1) The Secretary of the Interior may assign the management responsibility for the lands withdrawn under section 802(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary of the Interior and the Secretary of the Navy. In the case that the Secretary of the Interior assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary of the Interior) shall develop such management plan.

(2) The Secretary of the interior shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 802(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 802(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary of the Interior and annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 802(a). The Secretary of the Interior shall transmit such report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 802(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of understanding between the Secretary of the Interior and the Secretary of the Navy.

(5) Neither this Act nor any other provision of law shall be construed to prohibit the Secretary of the Interior from issuing and administering any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 802(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Navy.

(6) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary of the Interior before taking action under that section with respect to the lands withdrawn under section 802(a).

(7) Upon the expiration of the withdrawal made by subsection 802(a) or relinquishment of the lands withdrawn by that subsection,

Navy contracts for the development of geothermal resources at China Lake then in effect (including amendments or renewals by the Navy after the date of enactment of this Act shall remain in effect: *Provided*, that the Secretary of the Interior, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for any such contract.

(h) MANAGEMENT OF EL CENTRO RANGES.—To the extent consistent with this title, the lands and minerals within the areas described in section 802(c) shall be managed in accordance with the Cooperative Agreement entered into between the Bureau of Land Management, Bureau of Reclamation, and the Department of the Navy, dated June 29, 1987.

SEC. 805. DURATION OF WITHDRAWALS.

(a) DURATION.—The withdrawal and reservation established by this title shall terminate 15 years after the date of enactment of this Act.

(b) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—No later than 12 years after the date of enactment of this Act, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this title for which that Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact statement published pursuant to this subsection. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.

(c) EXTENSIONS OR RENEWALS.—The withdrawals established by this title may not be extended or renewed except by an Act or joint resolution.

SEC. 806. ONGOING DECONTAMINATION.

(a) PROGRAM.—Throughout the duration of the withdrawals made by this title, the Secretary of the Navy, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this title at least at the level of decontamination activities performed on such lands in fiscal year 1986.

(b) REPORTS.—At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this Act and for each subsequent fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and to the Committees on Appropriations, Armed Services, and Natural Resources of the House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including:

(1) amounts appropriated and obligated or expended for decontamination of such lands;

(2) the methods used to decontaminate such lands;

(3) amount and types of contaminants removed from such lands;

(4) estimated types and amounts of residual contamination on such lands; and

(5) an estimate of the costs for full decontamination of such lands and the estimate of the time to complete such decontamination.

SEC. 807 REQUIREMENTS FOR RENEWAL.

(a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary of the Interior as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 802 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the Navy concludes that there will be a continuing military need for any of such lands after the termination date, the Secretary shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this title, the Secretary shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) CONTAMINATION.—(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) DECONTAMINATION.—If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) ALTERNATIVES.—If the Secretary of the Interior, after consultation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate a sufficient amount of funds for the decontamination of such land, the Secretary of the Interior shall not be required to accept the land proposed for relinquishment.

(e) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated sate, the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this title which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this title the Secretary of the Interior determines that some of the lands withdrawn by this title are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Navy shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(f) REVOCATION AUTHORITY.—Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to remove the withdrawal and reservation established by this title as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

SEC. 808. DELEGABILITY.

(a) DEFENSE.—The functions of the Secretary of Defense or the Secretary of the Navy under this title may be delegated.

(b) INTERIOR.—The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section 807(f) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 809. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this Act shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

SEC. 810. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 802 of this title.

SEC. 811. MILITARY OVERFLIGHTS.

(a) EFFECT OF ACT.—(1) Nothing in this Act shall be construed to—

(A) restrict or preclude continuation of low-level military overflights, including those on existing flight training routes; or

(B) preclude the designation of new units of special airspace or the establishment of new flight training routes over the lands designated by this Act for inclusion within new or expanded units of the National Park System or National Wilderness Preservation System.

(2) Nothing in this Act shall be construed as requiring revision of existing policies or procedures applicable to the designation of units of special airspace or the establishment of flight training routes over any Federal lands affected by this Act.

(b) MONITORING.—The Secretary of the Interior and the Secretary of Defense shall monitor the effects of military overflights on the resources and values of the units of

the National Park System and National Wilderness Preservation System designated or expanded by this Act, and shall attempt, consistent with national security needs, to resolve concerns related to such overflights and to avoid or minimize adverse impacts on resources and values and visitor safety associated with overflight activities.

SEC. 812. TERMINATION OF PRIOR RECLAMATION WITHDRAWALS.

Except to the extent that existing Bureau of Reclamation withdrawals of public lands were identified for continuation in Federal Register Notice Document 92-4838 (57 Federal Register 7599, March 3, 1992), as amended by Federal Register Correction Notices (57 Federal Register 19135, May 4, 1992; 57 Federal Register 19163, May 4, 1992; and 58 Federal Register 30181, May 26, 1993), all existing Bureau of Reclamation withdrawals made by Secretarial Orders and Public Land Orders affecting public lands and Indian lands located within the California Desert Conservation Area established pursuant to section 601 of the Federal Land Policy and Management Act of 1976 are hereby terminated.

SENATE—*Monday, May 16, 1994*

The Senate met at 2 p.m., and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

As we begin our prayer today, let us pray in silence for Sherry Jenkins and all of her family in the tragic death of her sister, that all who grieve may find comfort and consolation in the loving care of God the Father.

Eternal God, the words of the first President of the United States remind us of the faith which conceived and constructed our great Nation. In his first inaugural address in 1789, George Washington said: "It would be peculiarly improper to omit, in this first official act, my fervent supplication to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States * * *."

Desperately, our Lord, we need a resurgence of our founders' faith. As we struggle with a disintegrating culture, awaken us to our need. Restore to us the faith which gave birth to our remarkable Nation.

In His name who is the Way, the Truth, and the Life. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2019, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2019) to reauthorize and amend Title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes.

The Senate resumed consideration of the bill.

Mr. BAUCUS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, as the clerk has announced, we are now on the Safe Drinking Water Act. This would be a good time for Senators to bring over amendments. We all know that very often in life the early bird gets the worm.

Under the Senate agreement, all amendments must be brought up by the close of business on Wednesday, and we all know that sometimes there is intervening business that pushes the ordinary agreed-upon business of the Senate aside, which is another way of saying that if Senators plan to bring up their amendments Tuesday or Wednesday, there may be less time to bring them up and dispose of them on a very solid basis, with full discussion on both sides. I say that in part because I believe there are close to 100 amendments in the consent agreement. That is a lot of amendments. I also say it because many of those amendments are not described with any specificity. We do not know the contents of those amendments. It would be helpful if they were brought up earlier rather than later.

In addition, Mr. President, I might note that it is just after 2 o'clock. As manager of the bill, I have no intention of sitting here, staying here in a quorum call for a long, extended period of time. If amendments are not brought up by Senators or statements given by Senators, or any other business with respect to this bill in the next hour or so, it would be my disposition not to stay on this bill. Senators would have had more than ample opportunity to bring their amendments over here and have them dealt with on whatever basis the Senate might find appropriate.

It is a good time for staffs to get together, to come over to the floor and work with the committee staff to work out accommodations or resolutions of some of those amendments. Mr. President, you have managed bills and worked with the Senate and Senate schedules and know that now is a good time to come over and offer amendments.

I strongly urge Senators to do so.

Mr. REID addressed the Chair.

The PRESIDENT pro tempore. The Senator from Nevada [Mr. REID] is recognized.

AMENDMENT NO. 1708

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. INOUYE, proposes an amendment numbered 1708.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 8, after the word "Affairs" insert the following: "and Indian Tribes."

On page 9, line 11, after the word "Affairs" insert the following: "and Indian Tribes."

Mr. REID. Mr. President, Congress in its daily routine of deliberating and passing legislation, especially environmental legislation such as the Safe Drinking Water Act, being dealt with on the floor today, makes decisions that affect hundreds of thousands of members of Indian tribes across the country, and certainly thousands of people in the State of Nevada.

We have, in the past, often failed to give adequate recognition to this fact and to provide the tribes in Nevada and other places with a basis for direct involvement in these major decisions that affect their economic and social well-being.

In doing so, we have deprived the Indian tribes of this country of their sovereignty, their basic right to be involved in the decisionmaking process.

The amendment before the Senate today invokes protection of tribal sovereignty and affords a tribal consultation role in the decisions that may affect public health concerns associated with public water systems.

Mr. President, on April 29, 1994, just a matter of a few days ago, the President of the United States signed a memorandum that affirms the executive branch department heads and agencies that allow Government and Government relationships between the Indian tribes and the United States. The memorandum, among other things, states:

As executive departments and agencies undertake activities affecting native American tribal rights or trust resources, such activities should be implemented in a knowledgeable, sensitive manner respectful of tribal sovereignty.

Mr. President, this memorandum outlines principles that the executive branch departments and agencies, including every component bureau and office, are to follow on their interactions with native American tribal governments. The memorandum provides that "each executive department and agency shall consult. * * * with the tribal government prior to taking actions that affect federally recognized tribal governments."

Mr. President, I ask unanimous consent that a copy of the memorandum to the heads of executive departments

and agencies, as I indicated, signed April 29 by the President, William Clinton, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
April 29, 1994.

Memorandum for the Heads of Executive Departments and Agencies.

Subject: Government-to-Government relations with Native American Tribal Governments.

The United States Government has a unique legal relationship with Native American tribal governments as set forth in the Constitution of the United States, treaties, statutes, and court decisions. As executive departments and agencies undertake activities affecting Native American tribal rights or trust resources, such activities should be implemented in a knowledgeable, sensitive manner respectful of tribal sovereignty. Today, as part of an historic meeting, I am outlining principles that executive departments and agencies, including every component bureau and office, are to follow in their interactions with Native American tribal governments. The purpose of these principles is to clarify our responsibility to ensure that the Federal Government operates within a government-to-government relationship with federally recognized Native American tribes. I am strongly committed to building a more effective day-to-day working relationship reflecting respect for the rights of self-government due the sovereign tribal governments.

In order to ensure that the rights of sovereign tribal governments are fully respected, executive branch activities shall be guided by the following:

(a) The head of each executive department and agency shall be responsible for ensuring that the department or agency operates within a government-to-government relationship with federally recognized tribal governments.

(b) Each executive department and agency shall consult, to the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments. All such consultations are to be open and candid so that all interested parties may evaluate for themselves the potential impact of relevant proposals.

(c) Each executive department and agency shall assess the impact of Federal Government plans, projects, programs, and activities on tribal trust resources and assure that tribal government rights and concerns are considered during the development of such plans, projects, programs, and activities.

(d) Each executive department and agency shall take appropriate steps to remove any procedural impediments to working directly and effectively with tribal governments on activities that effect the trust property and/or government rights of the tribes.

(e) Each executive department and agency shall work cooperatively with other Federal departments and agencies to enlist their interest and support in cooperative efforts, where appropriate, to accomplish the goals of this memorandum.

(f) Each executive department and agency shall apply the requirements of Executive Orders Nos. 12875 ("Enhancing the Intergovernmental Partnership") and 12866 ("Regulatory Planning and Review") to design solutions and tailor Federal programs, in appropriate circumstances, to address specific or unique needs of tribal communities.

The head of each executive department and agency shall ensure that the department or agency's bureaus and components are fully aware of this memorandum, through publication or other means, and that they are in compliance with its requirements.

This memorandum is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right to administrative or judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

The Director of the Office of Management and budget is authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

Mr. REID. Mr. President, in short, this amendment seeks to ensure that the rights of sovereign tribal governments are fully respected, as the memorandum outlines. This amendment ensures that Indian tribes are consulted in determining the use of funds to address the most significant threats to the public health associated with public water systems, and the amendment also enables Indian tribes to assist in the preparation of needs assessment of a public water system.

Mr. President, it is my understanding this amendment has been cleared on both sides of the aisle. I hope that my colleagues will join in giving the Indian tribes a definite consultative role in this most important matter.

If the managers will accept the amendment, I have nothing further. If they will not, then I ask for a vote on Wednesday night.

The PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I think we could work this amendment out. It is my understanding it is just a word that is in question. I think it is "or their representatives."

Mr. REID. Senator INOUYE and I would not accept that suggested change. We do not need to debate it here now, Mr. President. Right now that is the whole problem the Indian nation has, that someone else is doing the work for them. We want this work to be done directly with the Indian tribes.

So we will be happy to let the amendment stand, and if we can work something out prior to Wednesday, fine; otherwise, we will work on it.

Mr. BAUCUS. I do not see the ranking member of the committee on the floor now. I am uncertain. As I say to my good friend from Nevada, I do not see the ranking member of the committee here. I cannot at this point represent it has been cleared on the Republican side.

Mr. REID. We followed the suggestion of the chairman and offered our amendment. We will be happy to await his arrival.

Mr. BAUCUS. I very much appreciate it. Perhaps the Senator could wait briefly until we can check to see whether it has been cleared on the Republican side.

Mr. REID. I have to do something outside in the reception area, and then I have a statement, if there is no other business on the floor, that I wish to give anyway. So I will be right back.

Mr. BAUCUS. Does the Senator then wish to go into a quorum call pending the resolution of his amendment?

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to proceed as if in morning business.

The PRESIDENT pro tempore. For how long would the Senator request?

Mr. REID. I would ask for 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nevada [Mr. REID] is recognized for not to exceed 15 minutes as in morning business.

IMMIGRATION

Mr. REID. Mr. President, last Monday the Washington Post newspaper ran an insightful editorial that was entitled "On Not Blaming Immigrants First."

The editorial rightly admonished those involved in the immigration debate to avoid the pitfalls made earlier when there were great waves of immigration to the United States.

The Post editorial, I think, hit the nail on the head when they said:

> Off and on since the great waves of immigration in the 1840s and 1850s, politicians have been tempted to explain whatever happened to be ailing the country at the time by blaming newcomers for causing all kinds of problems for which the native-born could not possibly have responsibility.

Mr. President, the Post editorial concluded by showing that there are legitimate issues to be raised about immigration, both legal and illegal immigration. And also, under current law, many loopholes exist which allow people to cheat the system.

The point is, Mr. President, we need to engage in the politics of constructive reform and avoid the politics of immigrant scapegoating. But we do have to do something about immigration.

Mr. President, I ask unanimous consent that the editorial to which I referred be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ON NOT BLAMING IMMIGRANTS FIRST

Off and on since the great waves of immigration in the 1840s and 1850s, politicians have been tempted to explain whatever happened to be ailing the country at the time by blaming newcomers for causing all kinds of problems for which the native-born could not possibly have responsibility. Native-born voters often like to hear that sort of thing, which further encourages some politicians.

The issue of immigration is surging again, and the battlegrounds are as varied as the California governor's race and the meeting rooms of the House Ways and Means Committee. Take first Ways and Means. Last Wednesday, the committee rightly voted down an amendment offered by Rep. Rick Santorum (R-Pa.) to deny Supplemental Security Income benefits to most legal immigrants who are not yet citizens. The amendment was even more important than it sounded because the effect of denying. SSI benefits was also to deny Medicaid benefits. This, in turn, raises the question of who would pay when a poor, legal immigrant walked into an emergency room with a severe illness.

The vote went the right way, but the margin was close, 20-to-16, with Rep. Harold Ford (D-Tenn.) abstaining. Three Democrats voted with the Republicans, but the most disturbing vote was Mr. Ford's. A liberal on many issues and the chairman of the welfare subcommittee, Mr. Ford threatened to join the anti-immigrant bloc. He was finally persuaded to abstain instead on the grounds that the issue of benefits to immigrants should be considered in the context of President Clinton's welfare reform plan. Mr. Ford's position is a portent of how deep the anti-immigrant feeling runs.

In California, meanwhile, Gov. Pete Wilson, a Republican, has partially resurrected his once sagging political fortunes with strong attacks on the federal government's failure to stem illegal immigration. Mr. Wilson has gone to court to demand that the feds reimburse states (such as his) bearing a disproportionate share of the social service and health costs of illegal immigration that is the federal government's responsibility.

What Mr. Santorum is trying to do in Washington and what Mr. Wilson is saying in California would seem consistent. Exactly the opposite is the case. As the National Conference of State Legislators and the National Governors' Association pointed out, the effect of Mr. Santorum's amendment would be to increase the burdens on states with large immigrant populations. The amendment, said Raymond Scheppach, executive director of the governors' group, "would shift to states and localities millions of dollars in income assistance and health care costs now borne by the federal government."

There are legitimate issues to be raised about immigration, legal and illegal, and also about abuses of social programs by immigrants and non-immigrants alike. But wholesale assaults on immigrants are not only wrong, they also lead to bad policy.

Mr. REID. Mr. President, scapegoating immigrants have no place in a just and moral society. And, it certainly should not find shelter and life in a country that prides itself on being a nation of immigrants. The ugly anti-immigrant sentiments, which are often targeted at today's immigrants are no different, and no less repugnant, than the bigoted Irish bashing that occurred during the 19th century Irish Potato famine migration.

However, what we all have to remember is that just as those who are considered immigration's proponents are not all in favor of open unrestricted immigration, similarly, those who seek tightening and enforcement of our immigration laws are not all in favor of eliminating immigration and placing blame for society's ailments on immigrants. All parties must recognize this principle if meaningful immigration reform is ever going to be carried out.

Mr. President, I believe that our current immigration laws must be reformed in order to adequately deal with the many problems our country is currently facing—education, welfare, crime. Day after day we see news stories detailing new troubles associated with immigration. Whether it is undermanned law enforcement on our borders, threats to our obligation of ensuring a healthier environment for the future because of escalating immigration, or the dramatic failure of our asylum laws to efficiently process asylum claims, there is something fundamentally wrong with the current policies.

The mail that I have received on immigration is significant. It has especially been heavy because I have been in favor publicly of changing immigration law as it applies to illegal and legal immigration.

It is easy, Mr. President, to stand and talk about illegal immigration. And I am going to talk about it today; we need significant changes in that. It is more difficult to talk abut legal immigration, but we also need to do that.

Mr. President, some in this body and in the White House during the last two administrations felt, because we had come up with the theory of employer mandates, that it would take care of illegal immigration because it switched the burden from the Government to the employers. As a result of that, Congress and the President changed legal immigration to where it is now approaching 1 million a year. We simply cannot handle that and we have to cut back to a more reasonable number.

But as I said, the volume of mail I get on immigration is enormous. What I have come to appreciate in reading this correspondence is that most people are deeply upset and frustrated—not at immigrants—but at the combined lack of equity, certainty, and protection that our laws are supposed to provide. To allow these laws to remain unchanged is a recipe for disaster.

In March, I introduced S. 1923, the Immigration Stabilization Act of 1994. I believe this comprehensive immigration reform legislation will do much to remedy the current problems. Today, I am addressing the Senate on a specific immigration related problem addressed by my bill: abuse of the asylum laws. Those seeking smoking gun proof of the failure of our immigration policies need look no further than the current asylum laws.

The United States was founded on a belief that people fleeing persecution because of their race, religion, or political views deserve refuge.

I have been reading, Mr. President, Durant's "History of Civilization," and it is interesting to get the overall perspective of why we had so many people come to United States from Europe. It was because of the persecution that was taking place there, principally on the basis of religion, that we had the huge wave of population emigrate to the United States.

So this element of compassion be preserved. That was part of the reason for founding of this great country.

But in recent years, American policies offering generous asylum and unlimited judicial review of rejected claims have been grossly abused.

Now, asylum is one of the easiest routes to gain admission to this country. Virtually anyone—underscore and underline anyone—arriving at a U.S. port of entry—including terrorists, criminals, and drug dealers—can today gain immediate admission into our country if they merely claim that magic words political asylum and claim they will be killed or persecuted if they are returned home. The magic words are "political asylum." And the abuse does not stop there. Individuals who entered this country illegally will often raise meritless asylum claims at their deportation proceedings to avoid prompt deportation. Likewise, individuals who entered the country legally but thereafter overstayed their visas also avail themselves this seemingly perfect defense. Claiming asylum has become the proverbial dog-ate-my-homework excuse. This excuse is used by many but believed by few.

How do we know this to be the case? Well let us examine the numbers. In 1973—while South Africa's apartheid politics kept Nelson Mandela in prison for 27 years, and Soviet-imposed dictatorships continued to spring up around the world—there were less than 5,000 claims for political asylum in the United States. In 1973, when Mandela was jailed and the Soviet Empire was at the height of its strength, we had less than 5,000 claims for political asylum in the United States. In 1994, with Nelson Mandela out of prison and assuming the Presidency of South Africa, and the Soviet empire in complete disarray and being dismantled, there could be as many as 200,000 claims for asylum in our country. According to the Immigration and Naturalization Service, the total number of claims in 1993 were in excess of 150,000. Keep in mind that these numbers merely represent the number of applications filed. Claiming asylum has become a de facto method

of gaining permanent admission to our country. The backlog to hear these claims is growing at an alarming rate and some estimates say there may be as many as 500,000 claims in need of adjudication for political asylum in the United States by the end of this year.

Before fashioning an appropriate remedy to this problem we must first understand the reasons for the abuse and the consequences of the abuse. The reasons are simple: Lax laws without any standards or certainty of enforcement will always be abused. One only has to look at the incredibly tough provisions included in the House and Senate crime bills to realize the validity of this axiom.

The consequences are as clear as they are frightening. Last year's murder of a CIA employee at the entrance of the CIA, which is located not far from my home here in the Washington, DC, area, and the home of the President pro tempore and other Members of this body; the bombing of the World Trade Center, and the uncovering of a terrorist conspiracy targeting New York City are all examples of what can happen when we fail to properly screen individuals seeking entrance to our country.

Who is injured as a result of this policy? Society is injured through the perpetration of heinous acts by individuals who otherwise would not be in this country. Immigrants, as a whole, are unfairly blamed for the misdeeds of a few. Of course, that is true. And, lastly, those people who are genuinely fleeing persecution or are otherwise attempting to play by the rules in gaining admission are losing out to dishonest cornercutters who realize there are no consequences for their misbehavior.

I believe that the best response to this growing problem is the following threefold approach embodied in my proposed legislation: First, strengthen the review procedure at ports of entry; second, clarify the conditions for the granting of asylum; and, third, streamline the decisionmaking process for the granting of asylum.

Let us talk about my first proposal, strengthen the review procedures at ports of entry.

Current law provides insufficient screening at our ports of entry. Undocumented individuals who enter the United States and declare asylum are rarely detained pending a determination of their claim. In fact, so long as their claim is nonfrivolous they are entitled to immediate entry and employment authorization. I respectfully suggest that the 22 percent asylum application approval rate in 1993 is compelling evidence of the frivolity of many of these claims. Why not simply detain these individuals? Well, according to the GAO, this would be "impracticable and cost prohibitive."

It is imperative that we increase the screening of individuals at our ports of entry to prevent people from merely boarding an international flight, flying to the United States, and declaring asylum.

Mr. President, there are millions and millions of people throughout the world, maybe billions, who want to come to this country. We cannot accept everybody who wants to come to this country.

The provisions of my bill operate to deter individuals from entering the United States to illegally pursue asylum claims after they have failed to gain lawful admission through the other avenues of immigration.

It provides for trained INS officers to interview individuals who seek entry into the United States; if the individual has the required documentation, fine, go ahead and enter.

If he does not or she does not, she or he will be excluded unless either indicates a fear of persecution or an intent to claim asylum.

An individual who comes here without documentation, but tells the INS officer that he fears persecution or intends to claim asylum, will be referred immediately to an asylum officer who will interview that person to determine whether he or she has a credible fear of persecution or whether the asylum individual is coming here for convenience or economic reasons, that officer's decision is subject to review by another asylum officer. Thereafter, judicial review is limited to habeas corpus petitions.

This enhanced screening at the initial points of entry will afford applicants the necessary due process to ensure a fair hearing and will prevent the entry of those filing frivolous claims.

Second, we must clarify the conditions for the granting of asylum.

The granting of asylum is premised on the notion that we are obligated to take in those who are legitimately fleeing persecution because of their race, religion, nationality, membership in a particular social group, or political opinion. It does not include—nor was it ever intended to include—fear of economic deprivation.

Those who fear economic deprivation have other avenues they can and should pursue. My bill simply clarifies the existing law by providing that individuals seeking asylum demonstrate that it is more probable than not that if they are returned to the country of their nationality, they would be arrested or incarcerated, or their life would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion. It does not deny those who seek to come to the United States seeking a better economic opportunity, it simply ensures that they pursue the appropriate avenues for gaining admission.

This clarification allows genuine claims of persecution to be acted on favorably. But just as important, it puts the world on notice that the loophole has been closed.

Third, we must streamline the decisionmaking process for the granting of asylum.

Under current law, an individual can file for asylum at almost any time. Thus, you have situations where an individual may come to the United States legally, decide to stay beyond the lawfully allotted period of time, and if caught by immigration officials, claim asylum. They typically will then disappear before any hearing is ever held.

My bill streamlines the application process by providing that instead of being able to file at any time, an individual would have to submit a notice of intention to file for asylum within 30 days of his arrival. Within 45 days of his arrival he would have to file a formal application for asylum. There is a safety value built into my legislation in cases where the circumstances have changed in the individuals country of nationality such that he would face persecution if he were to return. In those cases the individual would still be allowed to file outside of the time limit—but only in that narrow instance.

This time restriction will do much to end the abuse by people who are in this country unlawfully, are caught by law enforcement, and then use our asylum laws as a weapon to thwart their deportation and permanently prolong their stay.

The asylum decisionmaking process also involves issues of due process. Our current laws seem to be weighted too heavily on the side of people who enter the country unlawfully. How much due process an individual is entitled to depends on whether that individual has gained entry to the United States. Thus, if someone is stopped at our borders and is detained by immigration officials, he will not be entitled to the same amount of due process as someone who has entered the country but later faces a deportation hearing. Unfortunately, some administrative and judicial interpretations have granted constitutional safeguards of due process to people who entered the country unlawfully by evading inspection. The inequity is obvious. Those who follow the rules and go through inspection at the border are given less due process than those who surreptitiously sneak into our country. This is outrageous. My bill remedies this injustice by providing that if you enter this country unlawfully, and you are caught within 1 year after doing this, you will be given the same amount of due process as you should have received, but for the fact that you entered the country unlawfully.

My legislation also reduces the layers of duplicative review that allow claims to continue in perpetuity and provides for more timely hearings.

Rather than having claims heard by an asylum officer in the INS and an Immigration judge in the Executive Office of Immigration Review—which allows for successive determinations of the same claims—my bill streamlines the review so that claims are heard by specialized officers within the INS. It also directs that hearings be held within 45 days of the filing of an application and that decisions be rendered 30 days thereafter.

Last, those applicants filing frivolous claims or who fail to appear for their asylum hearings, will be ineligible for any benefits under immigration law.

I believe the staggering numbers of individuals applying for asylum is prima facie evidence of the failure of our current policies. It is morally wrong to blame all the individuals using this system but it is an abdication of our congressional responsibility to allow these failed laws to stand unreformed.

The current situation reminds me of a busy intersection without a stop sign, a traffic light or a cop. Of course people will continue to go through the intersection at any speed without stopping. With no clear authority to stop, yield, go or follow the speed limit, drivers set their own rules and approach the intersection in whatever manner they want. That is what is happening with our immigration laws. Certainly, there are many who will act responsibly and in the best interests of society, but the reason we have stop signs, traffic lights, speed limits, and cops is so that all will act responsibly, with the knowledge that to act otherwise, would simply not be tolerated. Absent a traffic cop, there will always be accidents. Absent asylum reform we risk repeating the World Trade Center tragedy.

Again, asylum is just one aspect of a much larger problem. The time to act is now, and I invite others to cosponsor my legislation on this pressing matter.

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

Mr. BAUCUS. Mr. President, I wonder if the distinguished Republican leader would yield for a further moment? The pending business is Senator REID's amendment, which we are ready to accept. Since the Senator is on the floor, I wonder if it might just be better to dispose of that prior to the Senator giving his statement.

Mr. DOLE. We have no objection.

Mr. BAUCUS. Nor do we, Mr. President.

The PRESIDENT pro tempore. The question is on the amendment by Mr. REID.

The amendment (No. 1708) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I remind Senators that we are open to take amendments. We are on the Safe Drinking Water Act now. In effect, this has somewhat become morning business. That is fine. But I hope Senators who have amendments on the Safe Drinking Water Act would bring their amendments to the floor. I highly compliment the Senator from Nevada [Mr. REID], who heard our call and came immediately to the floor to offer his amendment. I urge other Senators to do the same to avoid a crunch at midnight on Wednesday. One way to avoid being in late Wednesday night is to dispose of these amendments now in the daylight.

MFN FOR CHINA

Mr. DOLE. Mr. President, it is now clear that the United States must do the right thing with respect to MFN for China: unconditional extension and abandonment of the failed linkage to human rights. The time is past for bluster and threats and feel-good pronouncements.

With only days remaining before he must decide, the President should simply make the announcement, immediately if possible, that he will unconditionally extend China's most-favored-nation trade status. He should candidly say what most of us have known for a long time: Tying trade to human rights does not work. The policy has failed, the President should admit it and move on.

Too many other issues, important issues including Chinese cooperation with regard to North Korea's nuclear program, are at stake for this charade to continue any longer. Unconditional extension of MFN is the right thing to do. No purpose is served by waiting.

Let me say, Mr. President, the Chinese record on human rights is indeed appalling. We all agree that it should improve. But the answer is not to deprive Americans of jobs, and American companies of opportunity in the fastest growing emerging economy in the world by cutting off trade. Even partial extension of MFN—trying to target only the so-called state-run enterprises—will have the same result—China will surely retaliate against United States exports and companies.

The policy of tying human rights to trade in China has failed. We have other methods of influencing China's behavior on human rights. Look at establishing a human rights commission charged with investigating and reporting on human rights abuses in China. Look at lending by multilateral banks to China. Look at restrictions on high-level visits.

I do not support destroying our trade relationship only to discover that we have alienated China, that China's behavior has not changed, and that other countries and other companies have taken our place in China.

Last Thursday's Washington Post calls for the President to change his mind and de-link human rights from trade. I agree—it is time to stop making excuses and do the right thing.

I ask unanimous consent that the Washington Post editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MR. CLINTON'S CHOICE ON CHINA

As President Clinton approaches his decision on trading with China, it's important to state the choice clearly. It's not whether to support human rights in China but how best to do it. A year ago Mr. Clinton said that if China did not improve its performance he would withdraw the trading privilege known as most-favored-nation treatment, in effect shutting its exports out of the United States. China's progress in human rights since then has been disappointingly modest. But ending trade with China is too sweeping and disruptive a remedy for the president's purpose. That purpose is right, and the United States has a moral obligation to pursue it. The most effective means are the same diplomatic strategies that this country uses in dealing with other countries.

A compromise, much discussed in past weeks, might be to try partial sanctions that ban, for example, only goods produced by state-owned enterprises, or by factories run by the Chinese army. Administering that sort of a partial cutoff would be, as a practical matter, difficult to the point of impossibility. Many of the Chinese products coming into the United States arrive by way of Hong Kong or other transshipment points and have often passed through many hands before getting here. Tracing these exports back to their origins in China would not be simple, and attempting it would merely be an invitation to complicated games of deception.

Few people have ever considered trade sanctions to be the ideal lever to move China's Communist rulers toward a greater regard for their people's rights. The attempt to use sanctions originated after the government's bloody suppression of the democracy movement five years ago. Democrats in Congress, outraged by President Bush's limp acceptance of that exercise in despotism, tried to legislate trade retaliation because it was the only weapon legally available to them. This newspaper had much sympathy for their effort. But with a president in office who takes human rights seriously, the case for resorting to trade sanctions is greatly diminished. That's why there has been little inclination in Congress this year to push for them.

The greatest threat to a centralized Communist regime in China is not a human

rights campaign run from Washington but the profound social change within China generated by extremely rapid economic growth. It would be incautious to assume that it will necessarily lead to democracy. But in most countries rising incomes, better education and good communications tend over time to create a climate hospitable to human rights. That's not a bad reason to keep the trade flowing. Rather than going through the contortions of trying to bend present policy to meet past statements, Mr. Clinton would be wise simply to say that while his intention to keep pressing the principle of human rights remains strong, he has changed his mind regarding tactics.

Mr. DOLE. Mr. President, I reserve the remainder of my time.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to speak for no more than 10 minutes on the subject just addressed by the distinguished Republican leader, Mr. DOLE.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Utah is recognized for up to 10 minutes.

Mr. BENNETT. Mr. President, in January, under the leadership of BENNETT JOHNSTON, the chairman of the Senate Energy Committee, I and a number of other Senators went to China to meet with Chinese leaders and discuss with them the various problems and challenges that they have with respect to their energy needs.

In the course of that visit, I became acquainted with the challenges facing the two countries as we near the time of having to decide whether or not the United States will renew the most-favored-nation status for China.

As I was in my office and listening to the distinguished Republican leader, Mr. DOLE, talk on this subject, I felt it would be well for me to come to the floor and add a few comments based on that firsthand experience with the Chinese leaders. Perhaps more importantly, Mr. President, in terms of this issue, I had firsthand experience with American leaders who are currently doing business in China.

I know there are a number of people talking about the financial impact of most-favored-nation status. I will leave that debate to those who can expand more accurately than I on the specifics.

The thing that struck me about my visit to China was that we have made substantial human rights advances in China because of the presence of American business interests there.

Let me give you some examples. Again, Mr. President, I am not talking about the business aspect of this. I am talking about the human rights aspect of this.

Because we have American companies in China, we have American companies recruiting Chinese students as they graduate from Chinese universities. This is a tremendous departure from past Chinese practice. Prior to the arrival of American companies there, a young Chinese student, male or female, would be told where to go to school, what to study, and what company he or she would have to work for upon graduation. Comes the American company which says, "We want to interview your top graduates." The Chinese university says, "Nobody ever does that. People go where they are told."

"No," says the American company, "We are in the process of interviewing and hiring here in China and we want to interview your top graduates."

As a result of that simple change, Chinese students are now able to go to work wherever they want to go to work and, more importantly, live wherever they want to live in China. Under the old regime, they had to have a job card that was issued by the Government, and therefore the Government could control them.

Now, they can go to work for an American company and move wherever they want, and the Government loses track of them because they do not control their employment. The right to work where you wish and live where you wish is a very basic human right, and China has made gigantic human rights strides in this area.

Why? Because we have granted them most-favored-nation status, and we have American companies there. If we revoke most favored nation for the Chinese and upset that pattern, we will be doing serious damage to the cause of human rights in China.

There are many other aspects of this. If we have American companies in China, you have to have contracts. If you have contracts, you have lawyers, and a legal system, and a judicial system. The Chinese did not have that in terms we would recognize before. If we cause American companies to be forced out of China in retaliation to our withdrawing the MFN status, we will seriously undermine the status of the legal system within China.

It comes as no surprise to the distinguished President pro tempore of this body to remember that if you have legal rights for contracts, you also have legal rights for individuals. And by establishing a legal system in China to respond to our needs, the Chinese have opened the door for individual rights to be enforced through the courts. It is a major human rights stride to have had this happen. For us to consider canceling MFN status would reverse that stride and bring greater hardship to the average Chinese.

I wish to end, Mr. President, by quoting from the final work of Richard Nixon in his book "Beyond Peace." Mr. Nixon has been properly commemorated at the time of his death. Some have said we have gone over far in our praise of Mr. Nixon, but even his strongest enemies would grant that of all things to be given favorable to Richard Nixon, his actions with respect to China give him the right to be quoted as one of our strongest leaders and statesmen in this area.

If I may quote from his final book that was published just days before he fell, talking about China. I believe this is the appropriate summary to this debate. Mr. Nixon says:

While most Americans give China high marks for its free market economics, they rightly criticize the Government's continuing denial of political freedom to the Chinese people. However, cutting back our trade with China by revoking China's most-favored-nation status would be a tragic mistake. We cannot improve the political situation in China through a scorched earth economic policy. Revoking China's most-favored-nation status would hurt the free market reformers and entrepreneurs who hold the key to China's future. Not only would it devastate the mainland's economy, it would lay waste to the surrounding region as well. No other nation in Asia supports our linking MFN status to human rights.

Today China's economic power makes United States lectures about human rights imprudent. Within a decade, it will make them irrelevant. Within two decades, it will make them laughable. By then the Chinese may threaten to withhold MFN status from the United States unless we do more to improve living conditions in Detroit, Harlem, and South Central Los Angeles.

So, Mr. President, I wish to rise and echo the sentiments offered by the distinguished Republican leader, Mr. DOLE, and urge the President to recognize the larger picture of human rights and realize that the strongest and best thing we can do to advance human rights in China would be to continue the MFN status between our two countries.

I thank the Chair.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alaska [Mr. STEVENS].

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1709

(Purpose: To provide for reserve fund allocation to Indian tribes and Alaska Native villages for improvement of dire water system conditions on Indian reservations and in Alaska Native villages, and for other purposes)

Mr. STEVENS. Mr. President, I have an amendment at the desk I would like to present at this time.

The PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. INOUYE, Mr. MCCAIN, and Mr. MURKOWSKI, proposes an amendment numbered 1709.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 18, after "graph (1)" insert the following: "may, at the election of the Governor of such state, be reallocated in the form of additional grants pursuant to subsection (f)(1) for eligible projects. Otherwise such amount".

On page 11, line 20, after "subsection (b)" and before the period insert the following: ", except that the Administrator shall reserve and allocate 10 percent of such remaining amount for financial assistance to Indian tribes in addition to the amount allotted under section 1472(c)".

Mr. STEVENS. Mr. President, I am indebted to the managers of this bill and their staffs for having worked with my staff and that of Senator INOUYE, Senator MCCAIN, and Senator MURKOWSKI. We present this amendment jointly.

This is to prepare for a situation where some States may not use the allocation that is available to them on a mandatory basis under these amendments. What this will do is say, from the amount of money that comes back to the Administrator's control based upon the failure of any State to use the full allocation that is available to that State, the Administrator shall set aside 10 percent of that money for use by Indian tribes and that that would be in addition to the minimum allocation that is available to the Indian tribes in the Nation.

I do not think anyone will quarrel with my statement if I say that the major needs of this country, in terms of water facilities, still remain to be on the reservations and the villages of our American Indians and Alaska Natives. Their demands for funds to meet these needs are almost insatiable.

There is, however, at times, available a residue of funds that are not used by other States. And it was the desire of the Senators who offer this amendment that a greater amount of that be set aside in order to start the process for the subsequent year as far as the Indian reservations and the Alaska Native villages.

It will not be much money, I do not think, but it will be more money than would be available to the Natives and the Indians on a mandatory basis under the terms of the bill.

I am hopeful that both the managers of the bill and the Administrator will accept the concept that, of the financial assistance available after the first run-through for all the States, an increased amount should be made available to those who are most in need as far as this kind of Federal assistance.

So I offer this amendment on my own behalf, and for the Senator from Hawaii [Mr. INOUYE], the Senator from Arizona [Mr. MCCAIN], and my colleague, the Senator from Alaska [Mr. MURKOWSKI].

Mr. BAUCUS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, this amendment is a good amendment. Essentially, there was an earlier request by the Senator from Alaska that perhaps we should increase the present 1½ percent of the State revolving loan funds for safe drinking water up to 3 percent. Although a laudable goal, it seemed to be unworkable in the whole context of the act.

The Senator, therefore, has come back with another suggestion which I think is a good suggestion; namely, that the funds that are allocated under the State revolving loan funds to States that are not used by States for the drinking water revolving loan fund, up to 10 percent of that unused portion can be delegated to tribes for the purposes enunciated by the Senator from Alaska.

I think it is a good amendment. It is a good way to address a part of the country that is in desperate need.

Mr. DURENBERGER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. DURENBERGER].

Mr. DURENBERGER. Mr. President, on behalf of the minority members of the committee, I rise to compliment our colleagues from Alaska, Senator STEVENS and Senator MURKOWSKI; our colleague from Hawaii, Senator INOUYE; and our colleague from Arizona, Senator MCCAIN, for their sensitivity to the special needs of Indian tribes and Alaska Native villages.

Obviously, this is not going to meet all the demands, as the Senator from Alaska has pointed out. But it is a very logical way in which to contribute some of the remaining reserve funds.

On behalf of the minority members, we recommend the adoption of the amendment.

Mr. STEVENS. Mr. President, if I may be recognized for one further comment.

The PRESIDENT pro tempore. The Senator from Alaska [Mr. STEVENS].

Mr. STEVENS. Mr. President, I am grateful to the managers of the bill for their statements.

This is a use it or lose it allocation concept under this bill. I know of no instance in which the allocations to Alaska Natives and American Indians have ever gone unused. But there are circumstances under which some States do not use their allocations. This will give a greater allowance to Indians and Alaska Natives whose areas need these facilities more than anyone else in the country.

It is true, our original endeavor was to get a higher basic allocation to start with. But, as a compromise, I congratulate the staffs of both the committee and the four of us, working together. I think our staffs have found a solution that will increase the money to the American Indians and Alaska Natives from time to time.

I am grateful to the chairman and ranking member for their assistance in this regard.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by Mr. STEVENS, the Senator from Alaska.

The amendment (No. 1709) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1710

(Purpose: To require the Administrator of the Environmental Protection Agency to submit to Congress the drinking water needs survey and assessment every 2 years)

Mr. BAUCUS. Mr. President, I send an amendment to the desk on behalf of Senator GRAHAM, of Florida, and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows.

The Senator from Montana [Mr. BAUCUS], for Mr. GRAHAM, proposes an amendment numbered 1710.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 21, lines 5 through 8, strike "4 years" and all that follows through "part." and insert the following: "2 years thereafter, the Administrator shall submit to Congress a survey and assessment of the needs for facilities in each State eligible for assistance under this part. The survey shall be submitted in even-numbered years so as to alternate annually with the estimate and comprehensive study of costs required to be submitted to Congress in each odd-numbered year under section 516(b) of the Federal Water Pollution Control Act (33 U.S.C. 1381(b))."

Mr. BAUCUS. Mr. President, this is a very simple amendment, a very important one. Essentially, under the bill, we set up a safe drinking water revolv-

ing loan fund. Currently, the Clean Water Act has a State revolving loan fund. Under that State revolving loan fund, the U.S. Government makes certain contributions to State revolving loan funds. Then States use those dollars, which are matched by State contributions. The States then make loans to cities and towns for waste water treatment plants.

Currently, there is no similar revolving loan fund under the Safe Drinking Water Act. Those communities which need to upgrade their drinking water systems do not have the benefit of a revolving loan fund similar to the one that now exists under the Clean Water Act for municipal waste water and sewage treatment plants.

Having said that, Mr. President, a question arises. Under what formula should amounts be distributed under the new Safe Drinking Water Act revolving loan fund provided in this legislation?

In the bill, we provide that the allocation be based on the public water supply supervision program money. The current provision allows the U.S. Government to make grants to the States to develop their safe drinking water programs. These are not capitalization grants through the State revolving loan fund. Rather, they are grants to States to develop their safe drinking water program. The money goes to technical assistance, funding personnel, and so forth.

As you might guess, Mr. President, those dollars are distributed according to an allocation formula. In this legislation, we provide that under the new safe drinking water revolving loan fund the allocation to States for the revolving loan fund be based on the same proportion as the dollars that are currently allocated under the State public water supply supervision program grant formula.

Fewer dollars are available under that second program. I think $60 million was appropriated for the current fiscal year; whereas, the safe drinking water revolving loan fund includes $600 million in the first year, and then $1 billion to be authorized in subsequent years.

(Mrs. BOXER assumed the chair.)

Mr. BAUCUS. This is a long way of saying, Madam President, that we have to find the right allocation to distribute the dollars, and in addition, that allocation has to be brought up-to-date in a reasonable period of time.

The Senator from Florida suggests that we update the allocation among the various States every 2 years. In the legislation before us, Madam President, we provide for an updated assessment and allocation every 4 years after 1998. It is the allocation according to the State program grant formula up to 1998, and after 1998, every 4 years the EPA will ask the States what their needs are under their safe drinking water programs. Then dollars will be distributed according to needs as determined by the various States and also under the program as administered by the EPA.

Senator GRAHAM has suggested that the 4-year period be shortened to 2 years. Instead of the needs formula being brought up-to-date every 4 years, it will be brought up-to-date, under the Graham amendment, every 2 years. I think that is a very good idea, to change from 4 years to 2 years. After all, we are quite a mobile country. People move to different States. Some States grow at rapid rates. Some States lose population at a slow rate, others at a rapid rate.

In any event, the amendment offered by the Senator from Florida is a good one, and I urge the Senate to adopt it.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. Madam President, I understand that the amendment by our colleague from Florida is acceptable to Members on the minority side.

I will just make a realistic comment, which I hate to do. But we were just talking a little bit ago about, are there any States that do not take the money. And we found out that, yes, some do not. In fact, one of our States does not take it at all. The States find that, given the way some things work, they are better off meeting their own needs in their own ways, and assessing their own needs, and determining the best way to do it.

The Federal needs assessment system is set up, and has been set up, on an every-4-year basis, so that in meeting the needs of the Nation, we can find ways to balance specific interests. The reality is, however, that the lag time between the time a need is determined and decisions are made, and when the money actually gets invested, can be as long as 15 to 20 years. I think 2 percent of the money goes out the first year, and 6 percent goes out the second year.

So I guess, by our support of this amendment, I would not want anybody to think we are going to meet the needs of Florida, California, Minnesota, or Montana twice as fast, because we will not. We are going to spend more money to do this every 2 years rather than every 4 years. But I am not sure that anybody should interpret the impact of this amendment as a more effective use of the moneys which have been allocated.

Having said that, and knowing that EPA has a base on which it can build, perhaps we will find an appropriate way, or maybe a more appropriate way, in which to do the needs assessment. Members on this side recommend the adoption of the amendment by the Senator from Florida, as well.

The PRESIDING OFFICER. Is there further debate?

Mr. BAUCUS. I have a minor technical correction for the RECORD.

Earlier, I said that the allocation would be on a 2-year basis after 1998. I misspoke. I meant the needs assessment would be on a 2-year basis after 1996, not 1998.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1710) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. DURENBERGER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CRITICAL AQUIFER PROTECTION PROGRAM

Mr. WARNER. I would like to ask the chairman to clarify the relationship between section 1427, the Critical Aquifer Protection Program and the new section 1420, Source Water Quality Protection Petition Program.

If a critical source protection area is designated pursuant to section 1427 and assistance is sought through the source water protection petition process, then my understanding is that the requirements of the petition process apply when a local government or community water system seeks resources to address problems identified in a petition.

Is the situation I have described also the chairman's understanding of how these two sections would compliment each other?

Mr. BAUCUS. Mr. President, I would agree with the Senator from Virginia. The petition process will identify problems with contaminants entering waters that serve as drinking water supplies and provide a means of directing resources to tackle these problems.

However, some States may find that the most cost-effective approach is to pursue prevention-oriented approaches. Nothing in the amendment offered by the Senators from Virginia and North Dakota or other provisions of the bill is intended to dissuade States from pursuing such approaches.

ORIGINS OF CONTAMINANTS

Mr. BAUCUS. Mr. President, I would like to clarify in plain English our intent in using the phase "the origins of drinking water contaminants of public health concern, including to the extent practicable the specific activities that affect the drinking water supply."

It is my understanding that this means that through the petition process every reasonable effort will be made to identify what the problem is and if there is a problem with a contaminant entering a source water, to identify, as precisely as possible, where it is coming from.

Would the Senator from Virginia confirm if my understanding is correct?

Mr. WARNER. Mr. President, the chairman's understanding of the intent

of the phrase in our amendment is correct. It is essential that the contaminant which may be causing a violation of a maximum contaminant level or a public health threat be identified and that every reasonable effort be made to determine where it is coming from. This is necessary if we are to achieve effective source protection response through voluntary, incentive-based partnerships. Scarce resources must be targeted to where problems exist.

PRIORITIES IN SOURCEWATER PROTECTION EFFORTS

Mr. BAUCUS. Mr. President, yesterday the Senate approved the Warner-Conrad amendment regarding sourcewater protection. The amendment encourages communities to work cooperatively with the State and parties in the sourcewater area to pursue cost-effective pollution prevention actions.

Because all parties involved have limited resources, it only seems logical that those resources be directed first at the areas with the greatest potential for source protection. In the case of nonpoint source pollution, I believe that farmers and other land users who have already implemented management measures should not be asked to implement additional measures unless it is clear that such action would actually help address the specific drinking water problem. In addition, I would expect those involved to seek first to work in partnership with land users who may not already have taken steps to reduce pollution. Would Senator CONRAD agree?

Mr. CONRAD. I strongly agree with the chairman's interpretation. Every effort should be made to first in partnership with parties that may not already have taken steps to reduce pollution. We need to concentrate our efforts on areas that will provide the most pollution prevention benefits.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the following Senators as Members of the Senate delegation to the North Atlantic Assembly spring meeting during the second session of the 103d Congress, to be held in Oslo, Norway, May 26–31, 1994:

The Senator from Pennsylvania [Mr. SPECTER]; the Senator from New Hampshire [Mr. GREGG]; and the Senator from Utah [Mr. BENNETT].

SAFE DRINKING WATER ACT AMENDMENTS OF 1994

The Senate continued with the consideration of the bill.

Mr. BAUCUS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Madam President, I ask unanimous consent that I be permitted to proceed as in morning business for not to exceed 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator is recognized for 15 minutes as in morning business.

MINING PATENTS

Mr. BUMPERS. Madam President, if anybody heard that giant sucking sound this afternoon at 1 p.m., it was the sound of $11 billion worth of gold and 1,800 acres of land being transferred from all the people of America—the taxpayers of America—to a Canadian gold mining company for the princely sum of $9,000.

Secretary Babbitt, at 1 o'clock this afternoon, issued seven certificates of patent—which is the same thing as a deed—to a gold mining company called Barrick Gold Strike Mines, Inc., a subsidiary of American Barrick Resources Corp, a Canadian Corporation.

Madam President, the Secretary hated to do that as much as I hated for him to do it, but he had no choice, because under the existing law, which is now 122 years old, signed by Ulysses S. Grant, the Secretary was required to issue the patents. Barrick Gold Strike Mines applied for these patents, for the deeds and under the law proved that it had commercial quantities of gold under it, and the Secretary refused, to his eternal credit, to cough up $11 billion in gold that belongs to every person in America because this is Federal land that belong to all of them.

The Secretary refused to do anything so gargantuan, so monumentally preposterous, but a U.S. district court made him because the law required it.

For 5 long, suffering, interminable years, I have stood behind this desk and talked about the enormity of the crime of continuing to give away tens of billions of dollars in minerals that belong to the people of this country to major companies.

In 1990, I tried to impose a moratorium on the issuance of patents. I lost by two votes.

In 1991, I tried again and lost by one vote. Less than 1 year after that vote, Barrick Gold Strike Mines applied for the patents.

Today is, indeed, a sad day for the American people. Congress stands indicted for its refusal, time after time, to address this problem.

When the Secretary handed these seven patent certificates to this gold mining company today, the land was taken out of ownership from all the taxpayers of America forever. And even if we impose a royalty on gold this year as part of mining law reform legislation, we will never receive a dime of this $11 billion worth of gold because it no longer will be located on Federal land. It is in private hands, and the legislation which will emerge from a conference with the House will not apply to private land.

That means, for example, if the conference committee, sometime before the end of this year, adopted an 8 percent royalty on hard rock minerals mined off Federal lands, we will have just given up $900 million today.

Would Barrick not want this land if they had to pay a royalty? Would a royalty force them to go broke?

They pay, in fact, a 4 percent gross royalty and a 5 percent net profits royalty to another mining company that has an interest in the Gold Strike mine.

They say they just cannot afford to pay Uncle Sam a royalty. All mining companies say that. And yet they pay the States a royalty if they mine State lands.

They say, "We will go offshore if you treat us so shabbily." Virtually every nation on Earth charges a royalty. Newmont Mining Co., in Nevada, is a gold mining company. Do you know what they pay to the private owner of the lands of one of their mines? Eighteen percent. If you were to suggest to them that maybe they ought to pay the United States a 4, 5, or 8 percent royalty, the howls go up in the West and in this Chamber about how many jobs are going to be lost, and how everybody is going to go broke.

According to the Denver Post, Peter Munk, CEO of Barrick, in 1991 cashed in $32 million worth of stock options. That was on top of his $700,000 annual salary.

Madam President, if American Barrick mined $400 million worth of gold next year and had to pay the United States an 8 percent royalty, which they say would cause them to go broke, it would amount to precisely the amount of money they paid their CEO in 1991.

Do you know what Barrick's net income for the first quarter of this year was? Sixty million dollars, a 31-percent increase over the first quarter of 1993. Gold is somewhere between $50 and $60 higher than it was a year ago, and yet they purport to still be going broke operating the same mines they were making a profit on a year ago.

The Minerals Policy Center, Madam President, says that there are now patent applications pending over at the Department of Interior on lands containing $85 billion worth of minerals. In all probability, Bruce Babbitt will have to do this over and over again—giving away the public domain and all the minerals thereunder for $2.50 to $5 an acre. I cannot believe that this goes on in this day and time.

"Prime Time Live" and "20/20" and other news shows will occasionally do a little segment on this subject and everybody gets all upset, and we come back here year after year and the same thing continues to go on.

After I appealed, with all of the strength of my body, to this group in 1990 to stop this insanity, to put a moratorium on the issuance of these patents, I lost by two votes. Madam President, 4 days later—4 days after I lost by two votes—Stillwater Mining Co. of Montana applied for several patents on about 2,000 acres of land, and what do you think Stillwater Mining Co. will get for $10,000? Thirty-eight billion dollars' worth of palladium and platinum—those are their figures, not mine. It is such a mammoth tragedy, I cannot help getting emotional about it. I have been emotional about it for 5 years now. I am absolutely heartsick.

Recently, we debated a gift ban in the U.S. Senate. We passed it overwhelmingly because nobody wants to be seen as protecting some kind of graft around here. We pat ourselves on the back, give ourselves the "good government award" and go home and tell our voters what purists we are.

I thought the Senator from Texas spoke pretty well the other night during the debate. He said, "People are not concerned about what we are doing to each other." He said, "What they are concerned about is what we are doing to them." Here is a classic case in point. We are worried about whether somebody is going to get a gift around here that exceeds $20 in value, and this very day, we have sat idle while the Secretary of the Interior was required to give away 11 billion dollars' worth of gold that belonged to the people of this country.

(Mr. DECONCINI assumed the chair.)

Mr. BUMPERS. Mr. President, I do not know whether we will be able to stop this insanity this year or not. We have a bill that has passed this Senate, and the House has passed a bill. We are hopefully going to go to conference and work something out. If we do not, that 85 billion dollars' worth of minerals, for which patent applications are now pending, will also be given away, to go with the $11 billion we gave away today.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I do not want to engage in a long debate on the merits of mining law reform, but I feel it incumbent upon me to make a statement in response to the distinguished Senator from Arkansas regarding mining law reform.

Mr. President, there were a number of statements made by my friend from Arkansas that he, for 5 years, has attempted to change the law. The fact of the matter is that that is true and we have had extended debates on this floor. And in each of those years, my friend from Arkansas failed to get enough votes to carry his position.

Now, Mr. President, last year a number of reforms were offered by the Senator from Nevada and others, and they were passed by this body. For example, the law regarding patents would have been changed significantly had the Senate's position been upheld. But there are those who feel that they want all or nothing, and as a result of that, last year they got nothing.

Mr. President, we all know, and we have debated on the Senate floor here over a period of years, that there should be changes in the law as it relates to mining. We, in good faith, have agreed to make significant changes, and we still stand ready to do that.

There is a bill that has now passed the Senate, and a bill that has passed the House, and there is a conference committee going to meet. The honest broker in that matter is BENNETT JOHNSTON, the chairman of the Energy and Natural Resources Committee. They are going to come up, hopefully, with something that is fair and that will change the way that mining companies do business in America. The mining companies are willing to accept reasonable change.

But for the Interior Department and others to say that the patent that was issued, according to law, is the greatest bank robbery since Butch Cassidy left the country, is absurd, ridiculous, and without foundation.

We, in Nevada, know something about Butch Cassidy's bank robberies, because the last bank robbery Butch Cassidy performed in the United States was in Nevada—Winnemucca, NV. We know about bankruptcies and we know about robberies.

What has taken place in mining in recent years has been good for the economy and has been good for the American people.

Now, it is very clear that the mining industry produces tens of thousands of jobs in America. In the State of Arizona, as an example, Mr. President, the copper industry there is just barely making it. We know that just a few years ago the copper industry moved away from the United States. Why? Because the costs were so high, they could not make it. A gross royalty on copper would cause the copper industry to go offshore. There is no question about that.

The mining industry, gold mining in Nevada, has had some claims that have been worked satisfactorily, and they have made money. There are other claims that have not been worked satisfactorily. There are mines that have opened, and they have closed in recent years.

The mining industry is a very capital-intensive industry. Large investments are required to find, extract, refine, and ship minerals to markets.

According to the U.S. Bureau of Census, the highest average profit margin in the past 6 years in the mining industry was 5.76 percent. Last year—that is the year 1993—Mr. President, it was 1.58 percent. That is, as indicated by my friend from Arkansas, the price of gold was real low last year, and as a result of that the profit margin was less than 2 percent.

The price of gold at one time was $446 an ounce. Last year at this time, it was around $325 an ounce. Today, it has increased where it is around $370 an ounce. So it is a figure that is not always stable. In fact it rarely is stable.

Mr. President, the mining company that had the patent issued to it could have mined the gold without the patent. The fact is, the patents will give Barrick a more secure title to its claim.

One of the things we suggested, and passed the Senate last year, is if a company uses the land for anything other than mining, it would revert back to the Federal Government. So, it is not as if we can use, with any degree of certainty anymore, the claims that have been used by my friend from Arkansas, so much that we are all kind of used to them. For example, is it fair to issue a patent and then establish a ski resort on it? Of course not. Anyone who thinks a patent should be issued carte blanche for any purpose really does not understand what has happened in recent years. The mining industry does not want that.

When Barrick bought these claims, the ore was yet to be discovered. When the company did identify the ore through extensive exploration, it had little value. And the exploration, when I say extensive, was literally extensive, hundreds of millions of dollars worth. It was microscopic refractory ore that was not suitable for conventional treatment to extract the gold at a profit.

Mr. President, Barrick was one of the companies that pioneered the large-scale use of autoclaving, the technology that changes the chemical composition of the ore, allowing the gold to be profitably extracted from the rock. Barrick then invested hundreds of millions of dollars in design and construction in the one-of-a-kind plant to extract the gold from the rock at mines from these claims.

This processing is expensive, but Barrick does make a profit on the gold it extracts. I do not think that is asking too much, that a company makes money. If they did not make money, they would not do it, and they would

not be employing the thousands of people they do.

Although the ore in the claims is clearly valuable today, it is impossible to predict profitability over the next decade. Profitability in the gold mining industry is subject to a number of factors, including the price of gold, the company's ability to control the cost of mining, and processing the Government's positions in the form of royalty fees and taxes.

Mr. President, the claims that there are hundreds of billions of dollars or tens of billions of dollars of gold in the land where this mining was located is without foundation.

Mr. President, there could be value in that ground. And certainly Barrick would not be wanting to go forward with this mine if there were not provable assets in that ground. But to indicate how much and whether it can be taken out of that land, is another question.

Now, Mr. President, I refer back to last year. Those of us who were present during that debate recognized that the senior Senator from Arkansas had a beautiful picture on the wall back here. The picture showed a beautiful, mountainous area with an abandoned mine, and showed the dirty water running out of that mine.

The fact of the matter is, as we learned last year, that was a mine that was developed during the 1880's, last century. In the mining industry, because of the reclamation laws that they have in many States—and none are stronger than those of Nevada—that does not happen anymore. There is a tremendous amount of reclaiming, reclamation that must take place similar to what goes on in modern-day coal mining operations that are above ground.

So, Mr. President, before we get lost in hyperbole, the fact of the matter is that mining is a good industry. The profits are marginal. And the fact of the matter is that in places like Nevada and Arizona and Utah, there is some mining that takes place on public lands. Why? Because that is all we have. The State of Nevada is 87 percent Federal lands. So a lot of mining has taken place over the years on public lands.

There is a much smaller amount that takes place on Federal lands anymore because the Federal controls have been burdensome in some instances. So let me close by saying that this matter should be handled in the conference committee where there was an agreement made that is where it should be handled. If somehow the negotiations fall apart at that time we can come back here and have another debate as we have in years gone by. But what I see happening at the Department of the Interior is the failings of the Department of the Interior, in grazing and logging and water that have taken place in the West, they are going to try to make up for that in mining. That would be a tremendous disaster and it would be significantly unfair to the mining industry and the Western United States.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, the distinguished Senator from Nevada, Mr. REID, and I, are very good friends. We have fought many battles over this issue on the floor of the Senate. I have the utmost respect for him. But the Senator from Nevada started off talking about how he had tried to reform this law and had in fact gotten an amendment passed here that said the mining companies in the future would have to pay for the surface value of this land.

The people in this body who know nothing about the issue all applauded: "Isn't that wonderful? We are going to make them pay for the surface value of the land." The surface value of the land in most instances is probably $100 an acre. We are not talking about the surface value. We are talking about highly valuable minerals. In Nevada, Barrick is getting, for the princely sum of $10,000, 11 billion dollars' worth of gold, and they are pretending that they are doing us a great favor by taking it off our hands.

It is a tragedy by any measurement. They act as though because they invested hundreds of millions of dollars in finding and setting up the mine that they should be able to do anything they want with the taxpayers land. Why have they made the investment? They did it for the best American traditional reason: To make money.

The other day somebody said: "Well, the mining companies at least should be able to recover their capital costs before paying any royalties." Or, "They at least ought to be offered this, that, and the other thing." It seems to me a gift of $11 billion, for which the taxpayers get nothing, should be enough.

A little personal note. My son is a lawyer. When I was Governor he got hooked on the chocolate chip cookies the chef at the mansion made, the tollhouse cookies. Later on, he decided he wanted to make the perfect chocolate chip cookie. He, and a friend he graduated high school with spent 2 or 3 years developing what they think is the perfect chocolate chip cookie. They rent a restaurant that closes at 9 o'clock, and bake cookies until midnight, take them out and sell them. For the first 5 years they lost money every year.

And, the U.S. Government has never come in and thanked them for all the jobs they have created. Nobody has come in and said: We are going to give you the money back that you have invested in this operation. Rather, they paid their fair share of the rent and continued to operate.

The arguments made by the mining industry have to be the most palpable and gallish I have ever heard in my life. Whatever happened to the good old American free enterprise spirit that applies to everybody except mining companies? And it applies to them when they mine on private lands. Newmont Mining Co., in the home State of the distinguished Senator, has no problem whatever paying an 18-percent royalty to the private owner of the land. But right next door, several miles away, Barrick mines on Federal lands and they say if you put a royalty on us we will have to shut down and all these people will be out of work.

The Senator from Nevada says: By giving Barrick those seven certificates of patent today, for $9,000, we have given them more security. It sure will. They will never have to pay a royalty to the Federal Government. I do not know why in the world somebody did not offer me those seven patents. I promise you, I could go out and raise the money to mine that gold, and I would be tickled to death to pay the Federal Government a 10-percent royalty. It is a travesty. Of course they spent a lot of money looking for it. Do you know why they did? To make money. There is nothing wrong with that. But there is something wrong with not compensating the American taxpayer.

You think, of all 100 Senators in the U.S. Senate, how many speeches have we made to the local chamber of commerce saying: "If you just elect me I will handle your money as though it were my own."

I want everybody in the U.S. Senate who, if they had $11 billion of gold, would be willing to give it away for $10,000 to stand up. And go home and tell the chamber of commerce that if it were your land you would certainly be glad to give it away. That just puts it in perspective, Mr. President, how idiotic this whole thing is. And yet it goes on and on and on.

Mr. REID. Will the Senator from Arkansas yield?

Mr. BUMPERS. I will be happy to yield.

Mr. REID. As I told the Senator, I have a Cabinet officer in my office. May I have a couple of minutes and then I will leave and you can say whatever you care to?

Mr. BUMPERS. I will be happy to yield.

Mr. REID. I will be very quick.

Mr. President, it is easy to get on this floor and talk about travesty and ridiculousness and all those kinds of things. The fact of the matter is that my good friend from Arkansas could not go out and get a bunch of people together to raise money and go in and do this. We are talking about investments of hundreds of millions of dollars.

For example, near my hometown of Searchlight, NV, people tried to de-

velop the Viceroy Gold property for almost 20 years. They went all over, trying to find an investor. They finally found somebody in Vancouver who was willing to come in and before there was a single ounce of gold taken out of that property, that man spent $100 million.

Now, there was no guarantee that they would have an ability to pay back the $100 million. The fact of the matter is, it is true there is no industry in the world more than the American mining industry that represents the free enterprise system. That is all we want to be able to go forward on, with a fixed set of rules that are meaningful and something that the mining industry can still proceed on.

I would close by saying—I repeat—I hope the Interior Department does not try to make up for its shortcomings in grazing, in logging, and in water problems with what they are trying to do on mining. Because the fact of the matter is that mining is extremely important and the profit margins are very slim no matter how many times the distinguished Senator from Arkansas talks about ripoffs and travesties. The fact of the matter is that the profits are very marginal and what will happen, as has happened, is these companies will be forced to go offshore.

There is gold in other places. It is easier to mine it here in the United States because there is a market for it. But, remember, this is one of the few industries that helps us with a favorable balance of trade.

I again appreciate very much my friend from Arkansas allowing me to leave the floor——

Mr. BUMPERS. Will the Senator stay and answer one question before he leaves? This land we are talking about, Barrick did not even file a claim for that land. Somebody else did.

You know, people go out there and they put up stakes and they just lay claim to it.

Do you know what Barrick did? They found this site. The claimant said, "Yeah, go explore, see what you can find." They came back. And they said, "You have a lot of gold here." They paid him $62 million for his claim. What do the American people get out of that? How many jobs do they get out of that $62 million they paid a guy who did nothing but put up four stakes?

Mr. REID. I will be happy to respond. We have done something about that. We have solved that problem so people cannot go out and file miles and miles of claims anymore. In fact, prior to our changing the law with the holding fee, we had in Nevada over a million mining claims. That now, at last report, is down to about 300,000—something like that. So it is not as if we have not done anything here.

The Senator has not responded—and I am sure he will when I leave—but the reversionary interest we had in the legislation last year, I think it is important that we recognize the patent issue. I hope, again, in the reform we have that if a patent is issued, there will be a reversionary issue.

If the Senator has a problem, as he indicated he has, that having a fair market value is improper for a land, that there should be some way of determining what the subsurface rights are, that is really hard to do. I am not sure we can do it. I would be happy to meet with the Senator. I am not in the conference. The Senator is in the conference. I am sure that he will do his best to make sure that this is fair.

In responding to the Senator's question, I ask the Senator this: I hope that you being—you are one person from being chairman of that full committee. I hope that with your experience being chairman of the Small Business Committee and someone who has a tremendous amount of integrity and respect in this body and around the country, that during the time that conference is held, I hope you will call upon your experience and come up with something that is fair and reasonable to the people of this country and, of course, the people of the Western United States.

Mr. BUMPERS. I appreciate the Senator's statement. My arguments are not punitive. I am not trying to punish the mining companies, and I am not trying to punish the people who work for the mining companies. Certainly the Senators who stand on the floor year after year and defend these practices are good friends of mine. I understand exactly what is going on. Maybe we will be able to come up with something to reform the law this year.

Mr. REID. Let me close by saying, I said this publicly in the last 5 years, and I say it this year. If the conference committee comes up with a reasonable reform, the companies that do business in Nevada have asked me if I will support reasonable reforms.

So I look forward to the conference committee coming back with something that is fair and reasonable and is a real compromise. Hopefully, we do not have to have this battle year after year.

Mr. BUMPERS. I know the Senator from Nevada does not take instruction, and I hope that the Senator—and I know he would—hopes that we come out with something that is good for the American people and not just the mining companies.

Mr. REID. Absolutely.

Mr. BUMPERS. Mr. President, the Senator mentioned reclamation a while ago, and I do not want to prolong this. Do my colleagues realize that of the 1,200 sites on the Superfund list that 59 of the sites on the Superfund list are directly related to hardrock mining? We are spending millions of dollars a year right now of the taxpayers' money to clean up site after site after site where they walked off and left an unmitigated environmental disaster, after paying no royalty. The American taxpayers are left to pick up the tab.

Mr. REID. I will respond to the Senator from Arkansas that I hope one of the things the conference comes back with is a means of taking care of that.

Mr. BUMPERS. We are going to. I promise the Senator we are going to.

Mr. REID. I also will say, if you look at those 59 claims, 56 or 57 of them—leaving 1 or 2 of modern mines—all the rest of mines that are very, very old. That does not mean the mining industry should not be involved in cleaning those up. I think they should be, and I think they want to be. I think that is appropriate.

Mr. BUMPERS. The Mineral Policy Center says there are 557,000 abandoned hardrock mining sites to be cleaned up in this country, and it is going to cost somewhere between $30 and $70 billion. Think about that. And today we just gave away an additional 11 billion dollars' worth of gold while the taxpayers are being asked to pick up the tab for $30 to $70 billion just to clean up the mine sites of the past.

I yield the floor, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUMPERS). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may proceed for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair.

SUPREME COURT NOMINATIONS

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly on the nomination, by President Clinton, of Judge Stephen Breyer to the Supreme Court of the United States.

At first appearance, Judge Breyer looks to be qualified for appointment to the Court. But I have been somewhat concerned as I have seen so many of our colleagues state at this early stage that they intend to vote for him, in advance of the nomination hearings and deliberation by the Senate and ultimately the vote of the Senate.

Judge Breyer's nomination was submitted, announced by President Clinton at a news conference Friday at 6 o'clock, some 72 hours ago. There is a great deal yet to be done concerning the nomination. The Senate will consider him carefully under our advice and consent function, put him under a microscope and make a determination as to his fitness for the Supreme Court.

The position of Justice of the Supreme Court is enormously important in our society, with so many decisions being handed down by a 5 to 4 vote which have impact on the lives of virtually every American and sometimes worldwide. With a 5 to 4 decision, that fifth vote by a Supreme Court Justice has greater power than most acts of the President of the United States. And, unlike the President, who is elected for 4 years or perhaps 8 years, a Justice on the Supreme Court may sit for two or three decades, and has enormous power over a very long period of time.

A concern which I have is that when there is virtually a coronation in advance, the nominees are apt to answer relatively few questions. Since I was elected to the Senate in 1980, I have had occasion to serve on the Judiciary Committee for eight confirmation proceedings, and have noted a very definite pattern that nominees to the Supreme Court answer only as many questions as they really have to answer. And when there is general approval given in advance, and the nominee runs only risks by answering questions, there is an inclination not to answer very many questions.

I am not suggesting, Mr. President, that in the confirmation hearings we ought to ask a nominee how he or she will decide a cutting edge question which is likely to come before the Court, but really to get an idea of judicial philosophy and approach to problems. I submit, Mr. President, that this is especially important in an era where the Court has become in many ways a super legislature, and really passes on questions of public policy, and frequently in apparent disagreement with congressional enactments, although the Judges would disagree with that statement.

But I would refer to just a couple of cases. One is the interpretation of the Civil Rights Act where the Supreme Court of the United States, in 1971, in the Griggs case, handed down a unanimous opinion. This case was in effect reversed by the Supreme Court of the United States, in a 5-to-4 decision, in 1989 in Wards Cove as to the definition of employment under the Civil Rights Act.

The Congress then had to go to work and pass an amendment to reinstate the rule of Griggs which the Supreme Court of the United States had, in effect, overruled in Wards Cove, where you had an interpretation by the Court which had been in effect for 18 years, untouched by the Congress, really a conclusive presumption that the Griggs interpretation coincided with congressional intent. Then the Supreme Court overrules that, not on constitutional grounds but on grounds of statutory interpretation. And that Supreme Court decision was changed, as I say, by the congressional enactment of the Civil Rights Act of 1991.

Similarly, there had been a rule in effect for some 18 years—from, again, 1971 until 1989—on counseling of women under provisions of planned parenthood. There a regulation with obvious congressional approval, unchanged in some 18 years, was reversed in a Supreme Court decision in Rust versus Sullivan.

So there are those strong indicators—and many, many others could be cited—where the Court acts as a super legislature, which is not quite the same as someone running for the Senate or House of Representatives or President to answer questions about public policy.

But it seems to me that there is a substantial appropriate leeway for Senators on the Judiciary Committee to ask questions on a variety of important subjects. We have the question of the death penalty, where more than 70 percent of the American people favor the death penalty, where more than 70 Senators in this body—again more than 70 percent—have supported the death penalty. Yet there are restrictive decisions coming from the Supreme Court, and sometimes a change of heart as to whether the death penalty is barred by the cruel and unusual punishment provision of the Constitution.

There are important questions on freedom of religion, freedom of speech, and on Executive powers. I have tried, and will try again, to get an answer to the question delineating the President's power to deploy U.S. military forces, a subject of tremendous importance, especially considering what is now occurring in Haiti and what has occurred in Somalia.

I have asked the question as to whether the Korean war was a war. And I prejudged the question in a sense by calling it a war. But that is not a question which is going to come up in the precise context of Korea, but as yet I have been unable to get an answer to that question because nominees are virtually assured confirmation by declaration of Senators in advance, and the nature and tenor of the nomination proceedings that they are virtually certain to be confirmed.

Mr. President, there is also a concern that I would like to express briefly, and that relates to what appears to be a limited rule of prospective nominees to the Supreme Court with the same names which we heard about last year, hearing about again this year. I do not say that in any criticism or in derogation of the names which we heard, but it seems to me that there must be many of the best of the brightest in America who would qualify for the Supreme Court.

This year we heard the name Judge Breyer, who was nominated, and came very close to being submitted last year; Judge Arnold of the 8th circuit, again this year; we heard very much about him last year; Bruce Babbitt, Secretary of the Interior. This brings the question to my mind as to why there are not more prospective nominees that we hear about.

The Senate, as it is well known, has both the obligation and responsibility to consent to nominations, but also under the advice and consent function we have a rule to advise. And I have been giving thought, in discussion with some of my colleagues, to the possibility of the Senate creating a pool of possible nominees for consideration by the President.

Obviously, it is the President's decision, and he can take them or leave them. But one possible scenario—and I have not fixed on any precise course—would be to canvas the bar associations of the 50 States, write to the chief justices of the 50 State supreme courts, the chief judges of the circuit courts of appeal, the chief judges of the U.S. district courts, and perhaps to law schools to find a list of those who might be uniquely well qualified to be on the Supreme Court by virtue of judicial experience, but not necessarily exclusively judicial experience.

We have on the Supreme Court at the present time, of the nine Justices, eight of them came from other courts. Justice O'Connor came from the Arizona Superior Court, Chief Justice Rehnquist came from the Justice Department. The other seven Justices all came from Federal courts of appeals.

And there is a sense that we might well have some greater diversity. Such a pool might lead to inquiries about scholarly writing, trial practice, appellate practice of the kind of consideration which were given greater breadth to the possibility of Presidential nominations.

In considering this matter, the situation of Learned Hand comes to mind, a great jurist who was never considered for the Supreme Court. A historical event that was widely reported comes to mind about Senator Borah, the chairman of the Judiciary Committee, conferring with President Hoover in 1930 and President Hoover showing Senator Borah a list of 10 prospects and him saying, "I like number 10," who turned out to be Justice Cardoza, who had an extraordinary record on the appellate court of the State of New York, New York Court of Appeals. Also, the career of Justice Oliver Wendell Holmes, having had 20 years of experience on the Supreme Judicial Council of Massachusetts. I think such a pool might be really very advisable, providing some very substantial diversity.

I personally was disappointed that the President did not move forward with the suggested name of Bruce Babbitt, the Secretary of the Interior. Bruce Babbitt would have brought diversity, as he had experience as a Governor, a State attorney general, a Cabinet officer, and a Presidential candidate. When the President had pub-

licly disclosed his interest in having our distinguished majority leader, Senator MITCHELL, that would have been a line of diversity, as was the suggestion of New York Gov. Mario Cuomo at some time in the past. It seems to me that that kind of diversity would strengthen the Court.

I believe, Mr. President, that the actions of the U.S. Senate in examining Supreme Court nominees is one of our highest callings, and perhaps our highest calling. It is certainly true that the Supreme Court of the United States is the guardian of the U.S. Constitution and, in a sense, the Senate has a constitutional guardianship of the Supreme Court, because it is we who pass on their qualifications.

I urge my colleagues not to commit in advance to Judge Breyer, or to anyone, in order to leave the full range of questioning available so that we may make an appropriate inquiry into Judge Breyer, as we have made inquiries into other nominees, to do the best job, and see to it that we have the very strongest Supreme Court that we can have and, hopefully, perhaps rethink some of our procedures to have as much guarantee as possible that the Supreme Court of the United States will be occupied by the best and the brightest.

I yield the floor.

MORNING BUSINESS

Mr. PELL. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ART LAKE: HALF A CENTURY OF RHODE ISLAND BROADCAST HISTORY

Mr. PELL. Mr. President, I would like to share with my colleagues the news of a remarkable anniversary. Art Lake this year celebrates 50 years of news and weather reporting in the broadcast industry, including about 45 years in television.

There is one more fact that makes this remarkable anniversary even more extraordinary. In an industry noted for the temporary nature of its jobs and the transience of its newscasters, Art Lake has remained with the same station for all his years in broadcasting. That station is Rhode Island's WJAR.

In an institution noted for the long service of some Members, we stand in awe of anyone who has put in so many decades at one of the few jobs that draws more daily criticism than politics. You see, Art Lake has worked 30 of those 50 years as weatherman.

The fact that he has not only survived but has become such a constant and reliable figure in our lives, is proof of both his skills and his character. I speak for many Rhode Islanders when I express our appreciation, and wish both Art Lake and WJAR continued success.

Mr. President, I ask unanimous consent that an article from a recent edition of the Woonsocket, RI, Call entitled "Art Lake: 50 Years of TV History," be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ART LAKE: 50 YEARS OF TV HISTORY

(By Kristen Lans)

SMITHFIELD.—Spring will not be overly warm this year.

Art Lake said so, with the confidence of someone who has forecasted weather the past 30 years every winter, spring, summer and fall for Rhode Island audiences.

But Lake's career with WJAR-Channel 10 stretches further back in time than that, with 1994 marking the 50th year he has worked for the same station, first as a radio, then television, news announcer.

"I am not overly happy to be this old, but I loved being a part of the early days of television," said Lake, who requested his age not be printed.

As a teenager from Braintree, Mass., Lake began at WJAR as a radio announcer when it operated out of the Outlet Department store in downtown Providence.

The department store went into the business to increase the sale of records, said Lake, and the men's clothing department was the only department which brought in more revenue each year than the broadcasting department.

In 1949, when the station expanded and began broadcasting over television, Lake stayed as one of 10 television news announcers.

"Art is like the station historian," said Doug White, newscaster for WJAR-Channel 10. "He can talk just as comfortably about 1954 as he can about 1994."

White has worked with Lake at the same station for 16 years, although recently they cross paths infrequently because of conflicting schedules.

White said when he first began at WJAR he was assigned to the noon newscast with Lake and found the weather forecaster prepared for the "curve balls" live television can entail.

Lake got his start on television when it was introduced to the households of America.

In those days, he said, there were "weather girls" who sang the weather forecast in rhymes or drew the weather on a chart as they described it.

Lake's career in weather grew from a hobby and not a college degree, because his degree from Emerson College in Boston was in radio broadcasting.

The week after Lake moved to Smithfield in 1954, Hurricane Carol followed and its effects peaked his interest in weather.

"I found out there was a lot more to know about weather than reading a box in the upper right corner of the newspaper," said Lake. "I like to show people the movement of the weather so people understand why it is happening."

Lake would go to T.F. Green Airport in Warwick and study the weather charts for hours with National Weather Service workers.

He learned weather from meteorologist John Ghiorse, when Ghiorse was hired by WJAR–10 to replace a "weather girl," in the early 1960s.

In the old days, maps of the United States were painted on the wall and the weather forecaster had to memorize the forecast or refer to material written on cards.

Now, Lake uses a computer to develop the weather maps, and refers to a teleprompter for the weather forecast.

The maps are not painted on walls, but only broadcast on television screens for viewers, while Lake points to a blank wall behind him.

"When I first started, weather people would greet you on the street with "why don't you get it right?," said Lake.

Now they call and say their daughter is getting married tomorrow and ask if she'll need a tent outside," he said.

The veteran media figure remembers falling asleep at a beach in South County one summer, and opening his eyes to a circle of people surrounding him. They knew he was a television figure, but not what he did and wanted Lake to identify himself.

Lake begins his workday at 3:45 a.m. and leaves the WJAR-Channel 10 studio in Cranston at 12:30 p.m.

The best days are those when you were "right" with your weather forecast the day before and it continues, said Lake.

"It's awful when you come in and a massive storm is breathing down your back," he said.

Although Lake received offers in the past to relocate to a different station, doing so would not be feasible, he said, because it would have entailed starting at the bottom salary and working up again and again.

In the early days, experience did not rate salary, according to Lake, and his wife and three boys remained in Smithfield.

Everything in the broadcasting industry has changed, he said, except the call letters of the station WJAR, where he has worked half-a-century.

Lake said he has not made any decisions on retirement.

Although WJAR asked Lake to do a piece on his 50th anniversary with the station, the forecaster has not accepted the offer yet, according to White.

White said television audiences received one impression of television news programs from "The Mary Tyler Moore Show," whose character Ted Knight displayed an arrogant attitude.

"Art Lake couldn't be any further from that character," said White. "I suspect when he decides to retire he will slip out the back door after politely saying goodbye to everyone."

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty and responsibility of Congress to control Federal spending. Congress has failed miserably in that task for about 5 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,579,501,883,465.93 as of the close of business, Friday, May 13. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,565.43.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States, transmitting a nomination; referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT TO CONGRESS RELATIVE TO THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 113

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on developments since the last Presidential report on November 10, 1993, concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979, and matters relating to Executive Order No. 12613 of October 29, 1987. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c). This report covers events through March 31, 1994. My last report, dated November 10, 1993, covered events through September 30, 1993.

1. There have been no amendments to the Iranian Transactions Regulations, 31 CFR Part 560, or to the Iranian Assets Control Regulations, 31 CFR Part 535, since the last report.

2. The Office of Foreign Assets Control (FAC) of the Department of the Treasury continues to process applications for import licenses under the Iranian Transactions Regulations. However, a substantial majority of such applications are determined to be ineligible for licensing and, consequently, are denied.

During the reporting period, the U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the Iranian Transactions Regulations. The FAC and Customs Service investigations of these violations have resulted in forfeiture actions and the imposition of civil monetary penalties. Additional forfeiture and civil penalty actions are under review.

3. The Iran-United States Claims Tribunal (the "Tribunal"), established at The Hague pursuant to the Algiers Accords, continues to make progress in arbitrating the claims before it. Since my last report, the Tribunal has rendered 4 awards, bringing the total number to 551. Of this total, 371 have been awards in favor of American claimants. Two hundred twenty-three of these were awards on agreed terms, authorizing and approving payment of settlements negotiated by the parties, and 148 were decisions adjudicated on the merits. The Tribunal has issued 37 decisions dismissing claims on the merits and 84 decisions dismissing claims for jurisdictional reasons. Of the 59 remaining awards, 3 approved the withdrawal of cases and 56 were in favor of Iranian claimants. As of March 31, 1994, the Federal Reserve Bank of New York reported the value of awards to successful American claimants from the Security Account held by the NV Settlement Bank stood at $2,344,330,685.87.

The Security Account has fallen below the required balance of $500 million almost 50 times. Until October 1992, Iran periodically replenished the account, as required by the Algiers Accords. This was accomplished, first, by transfers from the separate account held by the NV Settlement Bank in which interest on the Security Account is deposited. The aggregate amount transferred from the Interest Account to the Security Account was $874,472,986.47. Iran then replenished the account with the proceeds from the sale of Iranian-origin oil imported into the United States, pursuant to transactions licensed on a case-by-case basis by FAC. Iran has not, however, replenished the account since the last oil sale deposit on October 8, 1992, although the balance fell below $500 million on November 5, 1992. As of March 31, 1994, the total amount in the Security Account was $212,049,484.05 and the total amount in the Interest Account was $15,548,176.62.

The United States continues to pursue Case A/28, filed last year, to require Iran to meet its financial obligations under the Algiers Accords.

4. The Department of State continues to present other United States Government claims against Iran, in coordination with concerned government agencies, and to respond to claims brought against the United States by Iran. In November 1993, the United States filed its Consolidated Final Response in A/15(IV) and A/24, a claim brought by Iran for the alleged failure of the United States to terminate all litigation against Iran as required by the Algiers Accord. In December, the United States also filed its Statement of Defense in A/27, a claim brought by Iran for the alleged failure of the United States to enforce a Tribunal award in Iran's favor against a U.S. national. Because of this alleged failure, Iran requested that the United States Government be required to pay Iran for all the outstanding awards against U.S. nationals in favor of Iran.

5. As reported in November 1992, José María Ruda, President of the Tribunal, tendered his resignation on October 2, 1992. On December 4, 1993, Professor Krysztof Skubiszewski was appointed Chairman of Chamber Two of the Tribunal, filling the vacancy left by Judge Ruda's departure. On February 16, 1994, Professor Skubiszewski also was appointed the President of the Tribunal. Before joining the Tribunal Professor Skubiszewski served as Minister of Foreign Affairs in Poland from 1989 to 1993. He joined the "Solidarity" movement there in 1980, and served on several councils before becoming Minister of Foreign Affairs. In addition to his political experience, Professor Skubiszewski has had a long and distinguished academic career in the field of international law. He is currently on leave from the Institute of Law, Polish Academy of Sciences in Warsaw, and has lectured at universities throughout Europe. He is also the author of a number of international law publications. In announcing the appointment, the Tribunal's Appointing Authority, Charles M.J.A. Moons, emphasized Professor Skubiszewski's "extensive experience in the management of state affairs and the conduct of international relations," in addition to his "scholarly renown."

6. As anticipated by the May 13, 1990, agreement settling the claims of U.S. nationals for less than $250,000.00, the Foreign Claims Settlement Commission (FCSC) has continued its review of 3,112 claims. As of March 31, 1994, the FCSC has issued decisions in 2,538 claims, for total awards of more than $40 million. The FCSC expects to complete its adjudication of the remaining claims this year.

7. The situation reviewed above continues to implicate important diplomatic, financial, and legal interests of the United States and its nationals and presents an unusual challenge to the national security and foreign policy of the United States. The Iranian Assets Control Regulations issued pursuant to Executive Order No. 12170 continue to play an important role in structuring our relationship with Iran and in enabling the United States to implement properly the Algiers Accords. Similarly, the Iranian Transactions Regula-

tions issued pursuant to Executive Order No. 12613 continue to advance important objectives in combating international terrorism. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 14, 1994.*

REPORT TO CONGRESS RELATIVE TO THE PREVENTION OF NUCLEAR PROLIFERATION—MESSAGE FROM THE PRESIDENT—PM 114

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

As required under section 601(a) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242; 22 U.S.C. 3281(a)), I am transmitting a report on the activities of United States Government departments and agencies relating to the prevention of nuclear proliferation. It covers activities between January 1, 1993, and December 31, 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 16, 1994.*

MESSAGES FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2442. An act to reauthorize economic development programs under the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 for fiscal years 1994 through 1996, and for other purposes.

H.R. 4278. An act to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act.

MEASURES REFERRED

The following bill was read the first and second times, by unanimous consent, and referred as indicated:

H.R. 2442. An act to reauthorize economic development programs under the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 for fiscal years 1994 through 1996, and for other purposes; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following measures were read the second time by unanimous consent, and placed on the calendar:

H.R. 4296. An act to make unlawful the transfer or possession of assault weapons.

S. 2096. A bill to improve private health insurance, to provide equitable tax treatment of health insurance, to reform Federal health care programs, to provide health care cost reduction measures, and for other purposes.

S. 2109. A bill to amend the Public Health Service Act and the Social Security Act to provide improved and expanded access to comprehensive primary health care and related services for medically underserved and vulnerable populations through the provision of financial support for the development of community-based health networks and plans, to permit federally-assisted health centers to expand their capacity and develop and operate new sites to serve underserved and vulnerable populations, to provide certain financial and other protections for such networks, plans and health centers, and to facilitate the involvement of, and payment to, entities serving underserved and vulnerable populations in the training and education of primary care health professionals, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2631. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's 1994 salary range structures; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2632. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to watershed restoration contracts; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2633. A communication from the Acting Chairman of the Commodity Futures Trading Commission, transmitting, a draft of proposed legislation to reauthorize the Commodity Futures Trading Commission; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2634. A communication from the Secretary of Agriculture, the Administrator of the United States Environmental Protection Agency, and the Secretary of Health and Human Services, transmitting, a draft of proposed legislation to amend the Federal Insecticide, Fungiside, and Rodenticide Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2635. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to amend the Act of March 4, 1913 (16 U.S.C. 502), and the Act of June 20, 1958 (16 U.S.C. 556c), to increase maximum amounts for which Forest Service employees may be reimbursed for the loss of, or damage to, personal property; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2636. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 91-07; to the Committee on Appropriations.

EC-2637. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 92-01; to the Committee on Appropriations.

EC-2638. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 92-86; to the Committee on Appropriations.

EC-2639. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 90-01; to the Committee on Appropriations.

EC-2640. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 91-06; to the Committee on Appropriations.

EC-2641. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 92-05; to the Committee on Appropriations.

EC-2642. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to balances available from previous appropriations in the Clean Coal Technology program; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-475. A resolution adopted by the Board of Supervisors of the County of Charlotte, Virginia relative to tobacco; to the Committee on Finance.

POM-476. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Finance.

"SENATE CONCURRENT MEMORIAL 1004

"Whereas, Americans are facing ever-increasing costs for health care coverage; and

"Whereas, most existing forms of health insurance coverage limit the policyholders' role as a consumer and decision maker, thus displacing the normal discipline of the marketplace; and

"Whereas, a major reason for high and rising health costs is consumers' lack of direct financial responsibility for their health related decisions; and

"Whereas, allowing Americans to have more direct involvement in paying for routine health care will motivate a greater level of consumer awareness and responsibility; and

"Whereas, an excellent vehicle for inserting consumer responsibility into health care decisions is the medical care savings account; and

"Whereas, Congress can set tax policy to make medical care savings accounts a viable option for individuals and employers that provide employee health benefits.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

"1. That the United States Congress amend federal tax law to allow: (a) Individuals and businesses on behalf of employees to fully deduct contributions, up to a determined maximum dollar amount, to an individual medical care savings account. (b) Individual medical care savings account holders an exemption from income taxes on either contributions to the account or on interest earned on account balances as long as account withdrawals are for eligible medical expenses.

"2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States

House of Representatives and to each Member of the Arizona Congressional Delegation."

POM—477. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Finance.

SENATE JOINT MEMORIAL 8029

"Whereas, Owners of real property may not be aware of a United States Internal Revenue Service lien against the owner's property; and

"Whereas, Without proper notice of such liens, property owners may be unduly or erroneously burdened when they attempt to sell property against which there is a federal tax lien;

"Now, therefore, Your Memorialists respectfully pray that the United States Congress enact a law allowing states that impose notice requirement on state tax liens to impose a similar notice requirement on Federal tax liens.

"*Be it resolved*, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM–478. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Finance.

"SENATE JOINT MEMORIAL NO. 109

"Whereas, the goal of all public assistance programs ideally is to move individuals toward self-sufficiency; and

"Whereas, individuals struggling to stay out of the system and off public assistance are already exercising self-sufficiency; and

"Whereas, Aid to Families with Dependent Children was established to provide a minimal, basic level of support for our nation's children, not to punish individuals who choose not to accept public assistance; and

"Whereas, a case such as that of June Reid of Post Falls, Idaho, a woman who chose not to accept AFDC and therefore was pursued for child support payments, highlights a narrow, inappropriate interpretation of the true purpose of AFDC and a bureaucratic fascination with rules for the sake of rules; and

"Whereas, the hands of the states are bound by federal regulations so that we lose vital funding if we act humanely and appropriately in a case like June Reid's; and

"Whereas, the full effects of the current public assistance system must be comprehended and injustices redressed in any federal proposal for welfare reform.

"Now, therefore, Be it resolved by the members of the Second Regular Session of the Fifty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, That we petition Congress, the President, the Secretary of Health and Human Services, Donna Shalala, to amend 42 U.S.C. Section 654 to allow states the latitude to determine that child support need not be collected from a parent eligible to receive AFDC who has chosen not to accept public assistance where such support collection efforts would not be in the best interests of the children for whom support is owed.

"*Be it further resolved* That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, Bill Clinton, the Secretary of Health and Human Services, Donna Shalala, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM–479. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Finance.

"SENATE JOINT MEMORIAL NO. 110

"Whereas, the grain producers in the state of Idaho are suffering from a deluge of Canadian barley and wheat into our traditional markets; and

"Whereas, Canadian barley imports are projected to reach a record 35 million bushels and Canadian wheat imports are projected to reach a record 90 million bushels in marketing year 1993/94; and

"Whereas, these Canadian imports are having a negative effect on Idaho grain producers' income and the rural economy, as well as interfering with U.S. farm policy and making farm programs more costly to the American taxpayer; and

"Whereas, Idaho grain producers face unfair Canadian trading practices, such as monopolistic grain board and transportation subsidies.

"Now, therefore, *be it resolved by the members of the Second Regular Session of the Fifty-second Idaho Legislature, the Senate and the House of Representatives concurring therein*, That we do hereby urge the administration to exercise the Section 22 emergency action clause, which would impose immediate tariffs on Canadian barley and wheat shipments into the United States.

"*Be it further resolved* That we do hereby encourage the administration to maintain these Section 22 emergency tariffs on barley and wheat until the unfair trading practices of our Canadian trading partners are corrected.

"*Be it further resolved* That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the U.S. Department of Agriculture, President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM–480. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Finance.

"SENATE JOINT RESOLUTION NO. 165

"Whereas, for the purpose of Medicare reimbursement, the Commonwealth of Virginia is divided into five geographical zones which are not based on the actual cost of medical care delivery; and

"Whereas, there is an uneven distribution of physicians in Virginia, due in part to inadequate reimbursement levels by third-party payers such as Medicare; and

"Whereas, many commercial insurance carriers follow the same practice as Medicare; and

"Whereas, the reduced reimbursement for rural physicians' services presents a disincentive to practice in rural areas; and

"Whereas, there is a shortage of over 270 physicians in rural areas of Virginia and the shortage is increasing; and

"Whereas, the basis for reimbursement for many areas is more than 13 years old and does not account for inflation and actual overhead costs; and

"Whereas, the Virginia Academy of Family Physicians and the Medical Society of Virginia support converting the Commonwealth of Virginia into one geographical zone for more equitable Medicare reimbursement for rural areas; now, therefore,

"*Be it Resolved by the Senate, the House of Delegates concurring*, That the President of the United States, the United States Congress, and the United States Secretary of Health and Human Services be urged to (i) update the Geographical Practice Cost Index (GPCI) for the Resource Based Relative Value Scale (RBRVS) for Medicare reimbursement for rural areas of Virginia, (ii) request the Health Care Financing Administration (HCFA) to correctly estimate the costs of rural and urban practice in Virginia, and (iii) convert the Commonwealth of Virginia into one geographical area for Medicare reimbursement; and,

"*Be it Resolved further*, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the President of the Senate of the United States, the Speaker of the United States House of Representatives, the United States Secretary of Health and Human Services, and the members of the Virginia Delegation to the United States Congress so that they may be apprised of the sense of the General Assembly on this matter."

POM–481. A resolution adopted by the Town of Orangetown, New York relative to Northern Ireland; to the Committee on Foreign Relations.

POM–482. A resolution adopted by the Thirty-Sixth Infantry Division Association relative to commemoration of World War II; to the Committee on Foreign Relations.

POM–483. A resolution adopted by the House of Legislature of the Commonwealth of Kentucky; to the Committee on Foreign Relations.

"HOUSE RESOLUTION NO. 107

"Whereas, the noble people of Ethiopia have developed and nourished a proud and distinguished culture that has endured for three millennia; and

"Whereas, Ethiopia has had a long and productive friendship with the United States of America; and

"Whereas, over the past two decades, the brave and gentle people of Ethiopia have been devastated by famine and civil war; and

"Whereas, the people of the United States have responded generously and magnificently to the plight of Ethiopian famine victims through the provision of humanitarian aid; and

"Whereas, a glimmer of hope and peace sparked recently due to the lessening of military conflict in that beautiful country; and

"Whereas, Ethiopia is poised at a crucial juncture in its history since it is making a transition from military rule to democracy; and

"Whereas, the winds of democratic change have blown dramatically and ferociously across the former Soviet Union, Eastern Europe, Latin America, many parts of Africa, and now to Ethiopia; and

"Whereas, the people of Ethiopia are aspiring to resolve their complicated problems through the formation and utilization of democratic institutions and maximum citizen input; and

"Whereas, the basic underpinning of democratic institutions in the new Ethiopia should be the supremacy of the will of the people and the guarantee of the rule of law; and

"Whereas, the Ethiopian Transitional Government should adhere to the United Nations Universal Declaration of Human Rights which encourages freedom of speech, assem-

bly, religion, and press, as well as guarantees all basic human rights and discourages ethnocentric politics and ethnic reservations; and

"Whereas, it is crucial that the diverse voices, opinions, and philosophies of the people be expressed in promoting political, economic, and social progress and justice in Ethiopia; and

"Whereas, a multiparty government may be the most egalitarian, feasible, and productive political arrangement in providing universal suffrage and in overcoming monumental obstacles; and

"Whereas, the President and the United States Congress will play a crucial role in promoting the peaceful resolution of the immense problems of war ravaged Ethiopia; and

"Whereas, the implementation of a democratic, multiparty government in Ethiopia should be a long-range foreign policy goal of the United States government; now, therefore,

"Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

"Section 1. That this Honorable House of Representatives continue to encourage the formation of democratic institutions, multiparty participation, progressive social change, and a respect for human rights in Ethiopia.

"Section 2. That the President and the United States Congress be encouraged to reexamine the foreign policy towards Ethiopia and to promote an active foreign policy which serves to help achieve these laudable goals.

"Section 3. That a copy of this Resolution be forwarded to President Bill Clinton, the leadership of the United States Congress, the Kentucky Congressional Delegation, Secretary of State Warren Christopher, and His Excellency Ethiopian Ambassador Berhane Gebre-Christos."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs, without amendment:

S. 1357. A bill to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes (Rept. No. 103–260).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 2117. A bill to amend the Internal Revenue Code of 1986 to exclude from the application of the luxury automobile excise tax the value of components required for a vehicle to be powered by clean-burning fuel, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER:

S. 2117. A bill to amend the Internal Revenue Code of 1986 to exclude from the application of the luxury automobile excise tax the value of components required for a vehicle to be powered by clean-burning fuel, and for other purposes; to the Committee on Finance.

LUXURY TAX REPEAL ON CLEAN FUEL VEHICLES

Mrs. BOXER. Mr. President, almost 45 million people still live in counties exceeding the smog standard. More than 90 percent of my fellow Californians live in areas which do not meet Federal healthy air standards and over two-thirds of this pollution comes from mobile sources, primarily cars and trucks. In fact, according to the South Coast Air Quality and Management District, children in the Los Angeles air basin suffer a 15-percent reduction in lung function by age 12 because of exposure to smog.

Transportation accounts for 70 percent of carbon monoxide [CO] emissions, and highway vehicles are the largest single source. The U.S. transportation sector emits per capital more carbon dioxide, carbon monoxide, and nitrogen oxides than any other country.

We must do all that we can to promote clean-burning fuels, such as natural gas, electricity, and hydrogen. That is why today I am introducing legislation to provide a further incentive to market clean-fuel vehicles and provide a better environment for our citizens. This legislation will provide relief from the automobile excise tax for clean-fuel vehicles to encourage more Americans to purchase clean cars.

Specifically, the legislation will exclude the value of components required for a vehicle to be powered by clean-burning fuel—the incremental cost of the vehicle—from the luxury tax imposed by section 4001 of the Internal Revenue Code. Clean-burning fuel means, as defined under the National Energy Policy Act of 1992; natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, electricity, and any other fuel at least 85 percent of which is one or more of the following: methanol, ethanol, any other alcohol, or ether.

Section 4001 of the Internal Revenue Code imposes a tax on the first retail sale of any passenger vehicle equal to 10 percent of the amount by which the vehicle's sales price exceeds $30,000, the current tax threshold.

The assessment of this tax against early clean-fuel vehicles, which only exceed the luxury tax threshold because of the significant additional costs involved in the use of electricity or other alternative sources as a vehicle fuel, is inconsistent with our national policy to support and encourage alternative fuel transportation. The tax on clean fuel vehicles is also inconsistent with the favorable tax treatment afforded electric and other clean fuel vehicles under the provisions of the Energy Policy Act of 1992. For example, a 10-percent tax credit up to $4,000 is available on the purchase of an electric vehicle, but that same vehicle can then be subject to the luxury tax.

The code does not provide a basis for distinguishing between an automobile that exceeds the luxury tax cost threshold because of special equipment or performance characteristics and an automobile that exceeds the threshold solely because it operates on a nonconventional fuel source, such as electricity. Because of the new technologies involved and the lack of economies of scale in low-volume production, initially the price of some clean-fuel vehicles will exceed the luxury tax threshold. For example, Chrysler recently announced that it would offer an electric minivan for about $40,000. The vehicle would be subject to a luxury tax of about $1,000.

This tax falls most heavily on the electric vehicle [EV], which is the only practical form of transportation that has zero emissions. Efforts to assure a successful commercial launch for new electric vehicle technologies require that market demand for EV's be created. Demonstration programs, including programs funded by industry and industry-government cost shared programs as authorized in the Energy Policy Act of 1992, are an important part of the EV commercialization effort, designed to increase user familiarity with electric vehicles to stimulate market demand. With respect to early EV demonstration programs that are in the process of being implemented today, the high costs already being borne by vehicle users would be further exacerbated by the imposition of the luxury tax.

Early electric vehicles which have none of the features typically associated with luxury automobiles. Until the technology evolves, EVs are unlikely to be equipped with many of the optional features characteristic of luxury vehicles. Rather than being high-performance vehicles, the range and performance characteristics of early EV's are likely to be more limited than even those of conventional, nonluxury vehicles. Adding a luxury tax thus imposes an added economic burden on a customer who has already made sacrifices in choosing an electric vehicle. Because in some cases this cost burden will be significant, the luxury tax threatens to penalize consumers of initial EV's, and to delay or deter EV market development efforts.

In the longer term, for the market to accept EV's, the ultimate costs of electric vehicles will have to be competitive with comparable conventionally fueled vehicles, which are unlikely to exceed the luxury tax threshold. Therefore, the consumer-ready EV will likely not continue to trigger luxury tax concerns. But prices will continue to be high while market demand is small, and if the imposition of a luxury tax

dampens demand or delays or limits the effectiveness of early commercial demonstration programs, the pace at which EV prices will decline is likely to be slowed.

Due to the relatively small production of electric vehicles anticipated in the early demonstration phase of EV commercialization, the proposed exclusion of EV incremental costs from the luxury tax is unlikely to result in a significant decrease in revenue collections.

Meanwhile, the advancement of electric transportation technologies presents opportunities for U.S. technological innovation and worldwide leadership. In particular, the development and advancement of electric vehicles offers significant opportunities for the defense and aerospace industries heavily impacted by reductions in defense spending. The electric vehicle industry could top $10 billion annually by 2005, creating hundreds of thousands of jobs in the United States, according to the California Council on Science and Technology.

The Clean Air Act and the Energy Policy Act of 1992 mandate the greater use of alternative transportation fuels. The promotion of electric vehicles is an integral part of the effort to improve air quality and enhance national energy and economic security by increasing energy diversity in the transportation sector.

With consumer familiarity and acceptance of electric vehicles, and continued technological advancements and economies of scale, the incremental costs of electric vehicles will decrease. Imposing a tax on top of any incremental cost that early purchasers are forced to bear by subjecting early electric vehicles to a luxury tax will send a strong negative signal to the marketplace that could delay or deter the introduction of these vehicles and the development of a self-sustaining market.

Consumers will buy electric cars if we provide the right incentives. GM's own survey last year of 1,000 potential new car buyers in San Francisco and Los Angeles found that the number of people who would definitely or probably purchase an electric vehicle increased from 17 to 68 percent if provided a mix of price and ownership incentives.

This legislation repealing the luxury tax will expire on January 1, 2005, conforming with the sunset of other tax incentives provided under the Energy Act. By early next century, we should be well on our way to a clean air future. I ask unanimous consent that the full text of the bill be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION OF CLEAN-FUEL VEHICLE COMPONENTS FROM APPLICATION OF LUXURY AUTOMOBILE EXCISE TAX.

(a) IN GENERAL.—Subparagraph (B) of section 4002(d)(1) of the Internal Revenue Code of 1986 (relating to determination of price) is amended by striking "and" at the end of clause (ii), and by inserting after clause (iii) the following new clause:

"(iv) the value of—

"(I) any qualified clean-fuel vehicle property (within the meaning of section 179A(c)) to the extent of the basis described in paragraph (1)(B) of such section, or

"(II) any component of such passenger vehicle to the extent such component enables such vehicle to qualify as a qualified electric vehicle (as defined in section 30(c)(1)(A)), and".

(b) SEPARATE PURCHASE OF PARTS AND ACCESSORIES.—Paragraph (3) of section 4003(a) of the Internal Revenue Code of 1986 (relating to separate purchase of vehicle and parts and accessories therefor) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) the part or accessory installed—

"(i) is described in paragraph (1)(A) of section 179A(c) with respect to a qualified clean-fuel vehicle property (within the meaning of section 179A(c)), or

"(ii) enables the vehicle to qualify as a qualified electric vehicle (as defined in section 30(c)(1)(A)), or".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and installations occurring—

(1) on or after the date of the enactment of this Act, and

(2) before the earlier of—

(A) the date the tax imposed under section 4001 of the Internal Revenue Code of 1986 no longer applies, or

(B) January 1, 2005.

ADDITIONAL COSPONSORS

S. 1063

At the request of Mr. HATCH, the names of the Senator from Georgia [Mr. NUNN] and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1208

At the request of Mr. WOFFORD, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 1208, a bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written.

S. 1472

At the request of Mr. SIMON, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 1472, a bill to provide financial assistance to rural eligible local educational agencies to improve rural education, and for other purposes.

S. 1587

At the request of Mr. ROTH, his name, and the name of the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 1587, a bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

S. 1677

At the request of Mr. HATFIELD, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1677, a bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms.

S. 1690

At the request of Mr. DANFORTH, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S corporations.

S. 1691

At the request of Mr. CONRAD, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 1691, a bill to amend the Internal Revenue Code of 1986 to provide taxpayers engaged in certain agriculture-related activities a credit against income tax for property used to control environmental pollution and for soil and water conservation expenditures.

S. 1836

At the request of Mr. DOLE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1836, a bill for the relief of John Mitchell.

S. 1986

At the request of Mr. BREAUX, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1986, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the preservation of low-income housing.

S. 2006

At the request of Mr. DOLE, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 2006, a bill to require Federal agencies to prepare private property taking impact analyses, and for other purposes.

S. 2007

At the request of Mr. WOFFORD, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 2007, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the end of World War II and General George C. Marshall's service therein.

S. 2029

At the request of Mr. BREAUX, the name of the Senator from Virginia [Mr.

ROBB] was added as a cosponsor of S. 2029, a bill to amend the Internal Revenue Code of 1986 to allow the taxable sale or use, without penalty, of dyed diesel fuel with respect to recreational boaters.

SENATE JOINT RESOLUTION 158

At the request of Mr. WOFFORD, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of Senate Joint Resolution 158, a joint resolution to designate both the month of August 1994 and the month of August 1995 as "National Slovak American Heritage Month."

SENATE JOINT RESOLUTION 181

At the request of Mr. SIMON, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Joint Resolution 181 a joint resolution to designate the week of May 8, 1994, through May 14, 1994, as "United Negro College Fund Week."

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 186

At the request of Mr. PACKWOOD, the names of the Senator from Illinois [Mr. SIMON], the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming [Mr. WALLOP], the Senator from Michigan [Mr. RIEGLE], the Senator from Arizona [Mr. MCCAIN], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 186, a joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day."

SENATE RESOLUTION 148

At the request of Mr. SIMON, the names of the Senator from Maine [Mr. COHEN], the Senator from Wyoming [Mr. WALLOP], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Colorado [Mr. CAMPBELL], the Senator from Delaware [Mr. ROTH], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Resolution 148, a resolution expressing the sense of the Senate that the United Nations should be encouraged to permit representatives of Taiwan to participate fully in its activities, and for other purposes.

AMENDMENTS SUBMITTED

SAFE DRINKING WATER ACT

REID (AND INOUYE) AMENDMENT NO. 1708

Mr. REID (for himself and Mr. INOUYE) proposed an amendment to the bill (S. 2019) to reauthorized and amend title XIV of the Public Health Service Act (commonly known as the Public Health Service Act), and for other purposes; as follows:

On page 9, line 8, after the word "Affairs" insert the following: "and Indian Tribes."

On page 9, line 11, after the word "Affairs" insert the following: "and Indian Tribes."

STEVENS (AND OTHERS) AMENDMENT NO. 1709

Mr. STEVENS (for himself, Mr. INOUYE, Mr. MCCAIN, and Mr. MURKOWSKI) proposed an amendment to the bill S. 2019; as follows:

On page 11, line 18, after "graph (1)" insert the following: "may, at the election of the Governor of such State, be reallocated in the form of additional grants pursuant to subsection (f)(1) for eligible projects. Otherwise such amount".

On page 11, line 20, after "subsection (b)" and before the period insert the following: ", except that the Administrator shall reserve and allocate 10 percent of such remaining amount for financial assistance to Indian tribes in addition to the amount allotted under section 1472(c)".

GRAHAM AMENDMENT NO. 1710

Mr. BAUCUS (for Mr. GRAHAM) proposed an amendment to the bill S. 2019, supra; as follows:

On page 21, lines 5 through 8, strike "4 years" and all that follows through "part." and insert the following: "2 years thereafter, the Administrator shall submit to Congress a survey and assessment of the needs for facilities in each State eligible for assistance under this part. The survey shall be submitted in even-numbered years so as to alternate annually with the estimate and comprehensive study of costs required to be submitted to Congress in each odd-numbered year under section 516(b) of the Federal Water Pollution Control Act (33 U.S.C. 1381(b)).".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Monday, May 16, 1994, at 2 p.m., in SD–628, on S. 1614, Better Nutrition and Health for Children Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Monday, May 16, at 4:30 p.m. to hold an ambassadorial nomination hearing on Joseph R. Paolino, Jr., to be Ambassador to the Republic of Malta.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

"WHY ARE BLACKS THE MEDIA'S MOST INFAMOUS BIGOTS?"

• Mr. SIMON. Mr. President, I have never heard of a radio talk show host by the name of Bob Grant, and I guess I'm not missing anything.

I have read a column by Jeff Cohen and Norman Solomon distributed by Creators Syndicate, which talks about the bigotry being spouted by Bob Grant.

This is precisely the kind of thing this Nation does not need.

I did check with one source to find out whether the column is accurate, and I was told that it is, that Bob Grant is a problem.

In the 1930's there was a Catholic priest named Father Coughlin. He attracted more listeners than he should have as he spouted his anti-Semitism and antiblack rhetoric.

I hesitate to even mention this in the CONGRESSIONAL RECORD because the publicity may just add to Bob Grant's audience, but some of us have to speak out.

I made clear my opposition to Khalid Muhammad, who spouted his anti-Jewish, antiwhite hatred. But it is equally distasteful and harmful to our society to have antiblack spoutings from a Bob Grant.

I am sure that a radio station would never tolerate a talk show host who advocated that people drink arsenic, but they are tolerating someone who advocates swallowing another kind of poison.

It is not the business of the U.S. Senate or Congress to censor what goes on the airwaves of our country. I have spoken out against television violence, but I have never advocated Federal censorship.

I believe it is important to speak out against television violence, and I also believe it is important to speak out against the poisoning of our airwaves.

At this point, I ask to insert into the RECORD the column by Jeff Cohen and Norman Solomon.

[From Creators Syndicate "Media Beat"]

WHY ARE BLACKS THE MEDIA'S MOST INFAMOUS BIGOTS?

(By Jeff Cohen and Norman Solomon)

You can't see the news these days without encountering lengthy reports on the hateful pronouncements coming from a few black extremists.

The anti-white, anti-Jewish demagoguery of Nation of Islam leaders was recently examined, for example, in a 12-page Time magazine cover spread and in two ABC "Nightline" episodes—one titled "Confronting Black Racism."

A central question running through such reports is whether black politicians and civic leaders have sufficiently denounced the mean-spirited rhetoric.

Given all the news coverage, you might think black prejudice against Jews and whites has become the dominant bigotry in our country.

Think again. Old-fashioned white racism is alive and kicking. But somehow, it doesn't arouse the same outrage in the national media.

By now, almost everyone has heard of Khalid Abdul Muhammad, the Nation of Islam speaker who spouted anti-white hate to a college audience of hundreds—and was denounced for weeks in the media and in a resolution that passed the U.S. Senate 97 votes to zero.

But how many have heard of Bob Grant? Week after week, he spouts anti-black hate to much larger audiences—hundreds of thousands. He hosts the biggest show on the biggest talk radio station in the country, New York's WABC.

If you aren't familiar with Grant, that's not your fault—it's the national media's.

New York is the media capital of the country. But few journalists have voiced outrage over a talk show host who routinely referred to former Mayor David Dinkins, an African-American, as "the washroom attendant," and who habitually affects an Amos 'n' Andy dialect to stereotype blacks as criminals and drug addicts—people he calls "animals" and "mutants."

Here is a flavor of Grant's oratory, as recorded by Newsday columnist Paul Vitello.

"The only hope we have is something that we're not brave enough to do. But if there is a brave new world of tomorrow, they will enact the Bob Grant Mandatory Sterilization Plan. (Begins mock African-American accent) I don't have no job, how'm I gonna feed my family? (Ends accent) I wonder if they've ever figured out how they multiply like that. It's like maggots on a hot day. You look one minute and there are so many there, and you look again and, wow, they've tripled!"

On the Martin Luther King holiday:

"If they didn't observe Martin King Day, there would be trouble from the savages."

On refugees fleeing from Haiti:

"You know what the ideal situation would be—if they drowned! Then they would stop coming in."

After the L.A. riots began:

"We have in our nation not hundreds of thousands but millions of sub-humanoids, savages who really would feel more at home careening along . . . the dry deserts of eastern Kenya—people who, for whatever reason, have not become civilized."

Has an aroused press demanded that white politicians denounce Bob Grant's racism and distance themselves from him? Far from it.

Ted Koppel and Bob Grant are co-workers for the same boss, ABC/Cap Cities. Yet Koppel hasn't turned a critical spotlight on Grant.

New Jersey Gov. Christine Todd Whitman got great publicity for confronting Khalid Muhammad over his anti-Semitism. Has she similarly confronted Grant? No, she appears as a guest on his show, and once thanked Grant for helping her win the election.

What about New York Sen. Alfonse D'Amato—who co-sponsored the Senate resolution denouncing Khalid Muhammad? He's a regular, friendly guest on the Bob Grant program. On one show, the senator encouraged Mayor Dinkins to visit Africa "and stay there."

New York's new mayor, Rudolph Giuliani, has also guested on the show. During one appearance, Grant referred to a black congressman as a "pygmy."

Bob Grant is hardly alone in his amplified bigotry against racial minorities or gays or feminists. But such hate is unlikely to get you denounced by the U.S. media and U.S. Senate. More likely, you get your own talk show.

Patrick Buchanan—an admirer of Grant who once called him the "dean of us all"—has long expressed flat-out bigotry against blacks and other groups. That hasn't stopped him from becoming a fixture on TV and radio. Ditto for Rush Limbaugh, who praises Grant in his book.

And on local talk shows throughout the country, Grant-like shouters spew bigotry against racial minorities.

You almost have to pity Khalid Muhammad. If he'd been born white . . . instead of being denounced by the U.S. Senate, he might have his own major talk show.●

ESTABLISHMENT OF A BASELINE DESIGN

● Mr. D'AMATO. Mr. President, the early establishment of a baseline design is an essential element of any successful aircraft production program. Without a baseline design, workers are building to anomaly. No two aircraft are alike.

The Air Force establishes a baseline design by putting one of the first aircraft off a new production line through physical and function configuration audits [PCA/FCA]. A PCA compares engineering drawings to parts to check whether the parts conform with design specifications. An FCA certifies that parts function as specified. After passing the audits, the design is fixed and alterations require engineering change proposals. This enables the Air Force to maintain configuration control.

With the C–17 program, P–5, the fifth production aircraft, was to have gone through the PCA/FCA. No longer. Instead, the Air Force is conducting the physical and functional configuration audits on a piecemeal basis. P–11, incorporating the wing, flap, slat, landing gear, and fuel system fixes required by test failures, is being characterized as a production representative aircraft. That sounds good, but the fact remains that we are custom building C–17's, that we are, in effect, buying a collection of Faberge eggs for Air Mobility Command. This will remain true at least through P–29 when the last major fix required by failures in test—the redesigned wing—will be chopped into the production line.

I am deeply disturbed by the apparent lack of a baseline design for the C–17, and have posed a number of questions to Under Secretary Deutch about it:

Is P–29 the baseline design aircraft? Will the Air Force rework P–1 through P–28 to bring up the first 29 C–17's to a standard configuration? If so, what will this cost? If not, how will the lack of configuration control through P–29 influence C–17 performance, life cycle costs, and reliability, maintainability, and availability? Has the Air Force considered a pause in production to allow engineering to catch up with production? What are the costs and benefits of such a pause?

Upon receipt of answers to these questions, I will be happy to share them with my colleagues.●

CONGRESSIONAL STAFF DELEGATION TO TIBET AND NEPAL

● Mr. MOYNIHAN. Mr. President, last month a member of my staff participated in a delegation—along with staff members from the offices of Representatives JOHN EDWARD PORTER and JOLENE UNSOELD—to Tibet and Nepal to observe conditions in Tibet and to investigate the situation of Tibetans who have recently fled to Nepal. I ask that the text of the report on this trip be entered into the RECORD.

The text follows:

REPORT OF CONGRESSIONAL STAFF DELEGATION TO TIBET AND NEPAL

EXECUTIVE SUMMARY

In April, 1994 a congressional staff delegation spent three days in Nepal and one week in Tibet assessing China's treatment of the Tibetan people. In Tibet the delegation found evidence of a significant Chinese civilian population in urban areas, a large Chinese military presence in both rural and urban areas, severe restrictions on the Tibetan people's religious and cultural expression, and discriminatory practices against the Tibetan people. This difficult situation inside Tibet leads thousands of Tibetans to flee to Nepal and India each year, where they are free to pursue their religion and able to get an education in Tibetan schools.

The delegation urges the United States and the international community to call on China to reverse these policies and take steps to protect Tibet's unique religion and culture. Furthermore the United States should continue to support the efforts of the Dalai Lama to peacefully resolve the situation in Tibet through negotiations and to continue to provide refugee assistance and other programs to Tibetans who flee repression in their native land.

BACKGROUND

From March 28 to April 10, 1994 a delegation of congressional staff traveled to Tibet and Nepal to investigate conditions in Tibet and to study the situation for Tibetan refugees in Nepal. Tibet has received increased attention in the United States as a result of President Clinton's Executive Order conditioning renewal of China's Most-Favored-Nation trade status on human rights improvements in China and Tibet.

Participants on the delegation included Robert Gustafson, Administrative Assistant to Congressman John Edward Porter (R–IL), Michael Lostumbo, Legislative Research Assistant to Senator Daniel Patrick Moynihan (D–NY) and Lawrence Holland, Legislative Assistant to Jolene Unsoeld (D–WA). The Nepal trip was sponsored by the Tibet Fund and the Tibet trip was sponsored by the International Campaign for Tibet. Both are U.S. based non-profit organizations. The delegation was accompanied by Rachel Lostumbo, Legislative Director of the International Campaign for Tibet, who also assisted in translating.

The delegation first traveled to Kathmandu, Nepal. During the three day stay in Kathmandu, participants met with Tashi Namgyal, Representative of His Holiness the Dalai Lama; Mark Koehler, Second Secretary at the U.S. Embassy; and Tahir Ali and Andrea Solkner, Representative to Nepal and Associate Protection Officer for the United Nations High Commissioner for Refugees. Participants also spent one afternoon and one morning interviewing newly arrived Tibetan refugees at the Tibetan Reception Center.

The delegation then spent one week in Tibet traveling to Lhasa, Gyantse and Shigatse, and visiting numerous villages and monasteries. In the past, Tibetans who have attempted to contact government or human rights delegations visiting Tibet have been harassed and often arrested by Chinese authorities. As a result, the delegation's contact with Tibetans in Tibet was limited to private, secure conversations and sources in this report will not be identified.

Congressional support for Tibet

The Congress has established several very important programs for the Tibetan people, including a Voice of America-Tibetan language service. Tibetans inside Tibet spoke very highly of the Tibetan language Voice of America, but expressed frustration over Chinese government efforts to jam the broadcast. Other congressionally mandated programs include a one-time allocation of 1,000 immigrant visas for Tibetan refugees, humanitarian assistance for refugees in India and Nepal, and grants for Fulbright scholarships.

The Congress has also passed numerous resolutions condemning China's practices in Tibet and supporting the Dalai Lama's efforts to peacefully resolve the situation through negotiations.

Since the delegation's return, the Congress passed and President Clinton signed into law the 1994–1995 Foreign Relations Authorization Act. This bill contains several historic provisions which call for extended relations with the Tibetan Government in exile and establish more programs designed to benefit Tibetans inside Tibet. It also builds upon the legislation passed in 1991 declaring Tibet to be an occupied country whose true representatives are the Dalai Lama and the Tibetan Government in exile.

Most-favored-nation trade status

Since the first efforts by the Congress to condition renewal of China's Most-Favored-Nation trading status (MFN) in 1989, Tibet has played an integral part of the debate. President Bush vetoed all attempts by the Congress to condition MFN during his tenure.

On May 28, 1993 President Clinton issued an Executive Order which called on the Chinese Government to make significant overall progress in human rights in order to be granted MFN status in June 1994. One condition specifically called for significant progress in "protecting Tibet's distinctive religious and cultural heritage." The Administration has been calling on the Chinese to agree to begin substantive negotiations with the Dalai Lama or his representatives as a benchmark towards meeting this condition. This approach to the Tibet condition has been widely supported in the Congress.

While the issue of negotiations was not one that the delegation was able to investigate while in Tibet, participants were able to observe general conditions for the Tibetans, including the overwhelming presence of Chinese in Tibet, and the restrictions placed on the religious and cultural expression of the Tibetan people. The report will first discuss the Nepal trip, for it was in Kathmandu that the delegation was most free to talk with Tibetans about their personal experiences and about conditions in Tibet. Following the summary of some of these interviews will be a discussion of observations regarding conditions inside Tibet.

TIBETAN REFUGEES IN NEPAL

According to the United Nations High Commission for Refugees (UNHCR) in Kathmandu, approximately 4,000 new Tibetan refugees made the harrowing trip over the Himalayas into Nepal in 1993. Comparable numbers are expected in 1994.

Over the past three years the U.S. Congress has appropriated humanitarian assistance for Tibetan refugees in Nepal and India. Each year a portion of this funding has gone to the UNHCR operation in Kathmandu. The UNHCR provides the primary financial support for the Tibetan refugees when they arrive in Kathmandu, interviews the new arrivals to determine whether they are eligible to receive assistance from the High Commissioner as political refugees, and then offers protection and acts as a formal liaison between the Tibetans and the Nepali Government. The Tibetan Refugee Welfare Office carries out the day-to-day operations of the Reception Center.

New arrivals from Tibet reach the Reception Center on their own, arrive accompanied by a hired guide, or are arrested by Nepali police who take them to the immigration office in Kathmandu. Here they are detained until a UNHCR official interviews them, determines if they are eligible, and sends them to the Reception Center. About 97% of the new arrivals entering Nepal from Tibet are deemed eligible for assistance. At present Nepal does not allow the Tibetans to settle there, although there is a significant Tibetan refugee population from earlier migrations. All eligible refugees are given an allowance by the UNHCR and sent on to India.

Some Tibetans are turned back to Tibet before they reach Kathmandu because they are stopped by Chinese or Nepali border guards. The delegation heard accounts of Nepali border guards robbing and assaulting refugees, or turning them over to Chinese border guards. Such actions are contrary to the publicly stated policy of the Nepali government, which claims that these actions are undertaken without their authority. While in Nepal the delegation learned that the UNHCR was hoping to provide instruction sessions for border guards to help put an end to such incidents.

While in Kathmandu, the delegation had the opportunity to interview several newly arrived refugees. This was an important component of the trip as it was known that contact with Tibetans inside Tibet would be extremely limited because of security concerns. The case histories of several of those interviews are highlighted below:

Tenzin: aged 10: Tenzin arrived in Kathmandu minutes before the delegation arrived at the Reception Center. Traveling with three other young boys including his twelve year old brother, Tenzin was the only one to make it to the Reception Center. His brother and another ten year old had been arrested by Nepali border guards. The other, an eleven year old boy, had been taken off a bus by Nepali police in Kathmandu as he and Tenzin made their way to the center. The fate of his companions was unknown.

It is not uncommon for Tibetan parents to send their children out of Tibet alone. They do this to allow their children an opportunity to obtain a genuine Tibetan education, which is not possible inside Tibet. UNHCR statistics show that 20% of those arriving from Tibet are children traveling on their own.

Jigme: monk, aged 25: Jigme had arrived in Kathmandu one week prior to the delegation's visit. He had fled from Labrang monastery in Amdo after his second arrest for political activities. The trip from Amdo to Kathmandu took him one month and five days. Today, many new refugees come from Kham and Amdo where Chinese control is particularly well ensconced.

Jigme was first arrested for making a poster calling for human rights in Tibet, an act for which he was imprisoned for 15 days and fined 5,000 Chinese yuan. His second arrest came after he was caught printing a political poster. He was beaten and then released with a warning against participating in any further political activity. It was then that he chose to make the long trip into exile.

Approximately 40% of all new arrivals are monks and nuns. Unable to practice their religion freely, monks and nuns often face persecution as a result of their faith.

Tsering and Drolma: nuns, aged 18: These two nuns came from Garu nunnery in the Lhasa area. They said that at least 20 nuns from Garu are currently imprisoned in Tibet, including 12 who were arrested in August 1993 for participating in demonstrations and who had been given sentences of between 3 and 6 years.

The nuns spoke at length about how since 1989 the younger nuns have been brought together and "instructed" by Chinese authorities on "the proper view" of the history of Tibet. They were told that those Tibetans in exile would never return to Tibet and that the Dalai Lama's "gang" has no international support, so that there is no hope for freedom. Nuns were also forced to sign statements promising not to take part in political demonstrations and were threatened with long prison terms if they refused to sign.

They also described the heavy tax burden that is imposed on the nuns and the requirement that their nunnery sell half of its farm produce to the government at a deflated rate.

Kelsang: monk aged 17: Kelsang came from Nalenda Monastery in Penpo, an area two hours north of Lhasa. He discussed the government-imposed cap on the numbers of monks allowed to live and study at the monastery, and the increased activity of the "ledun druka", a committee formed within the monastery by authorities to "educate" monks on proper behavior and political views. Monks are quizzed once or twice a month on the content of these "educational" sessions and on materials they are required to read. If they answer incorrectly they are fined.

Lobsang: farmer, aged 22: Lobsang, who also came from Penpo, discussed some of the restrictions placed on farmers. He said that one-third of all produce is taken by the government without compensation and that another portion must be sold to the government at a reduced rate. Farmers are told what to plant, even though they hold leases on the land. Asked about the ability of farmers to move to Lhasa, he said that they must first receive permission from several government authorities. He said he knew of Tibetan farmers who had requested permission to go to Lhasa, but knew of none who had been given permission to do so.

TIBET

The delegation spent three days in the capitol city Lhasa, and three days in the countryside visiting smaller towns and villages, including Gyantse and Shigatse. The delegation visited monasteries, schools, markets and Tibetan and Chinese neighborhoods. The delegation also spent an afternoon at Yamdrok Tso, a large and controversial hydroelectric project located on a lake considered sacred by Tibetans. The delegation notes that Tibet is an extremely poor country and that sanitary conditions, particularly in the Tibetan neighborhoods, are abysmal.

Chinese presence

The first and most striking observation upon arrival in Tibet is the number of Chinese, both military and civilian. Distinctive language, neighborhood architecture and style of clothes made it possible to determine which parts of the cities were dominated by Chinese and which by Tibetans. The delegation notes that the Chinese neighborhoods consist of large compounds which have more open space than the Tibetan neighborhoods. Therefore, the Chinese sections of town are likely to contain fewer Chinese per square kilometer than the Tibetan neighborhoods.

There was a pervasive military presence in the cities and along roads. Chinese army bases and other government compounds were relatively easy to spot. They often had Chinese flags displayed, red stars over the entrance gates, or the distinctive red and white logo that denotes a government facility. Some also had tall transmitting antennae, military vehicles parked in plain sight, or soldiers within the compound walls.

On the road into Lhasa from the airport the delegation passed large military facilities, potentially housing thousands of troops. At regular intervals around the Barkhor, the pilgrim circuit surrounding the Jokhang temple, Chinese police monitored the Tibetans passing by. The delegation heard reports of dozens of plainclothes security personnel also circulating the Barkhor and located two surveillance cameras in the area. Outside of Lhasa the delegation passed numerous government and military compounds, as well as several large convoys of military trucks.

The delegation was informed that Chinese civilians are largely concentrated in the larger cities and towns, although there are now reports of Chinese moving into rural areas in Tibet, particularly in the eastern regions of Kham and Amdo. It is important to note that the delegation was only able to travel where there were roads and most villages between the larger cities appeared to be predominately Tibetan.

Most modern shops and restaurants in the cities the delegation observed were operated by Chinese and the Chinese sections of town were expansive. Lhasa appeared to have two distinctly Tibetan neighborhoods, at the foot of the Potala and near the Jokhang temple. Even in these areas there is new Chinese construction. From the top of the Potala it is clear that only a small fraction of the buildings in Lhasa are in the traditional Tibetan style and most of the extensive new construction in Lhasa appears to have taken place in the Chinese sections. Tibetan landmarks, like the Tibetan medical college, have been destroyed and replaced by Chinese structures.

In Shigatse the delegation observed only a small Tibetan neighborhood surrounded by a large Chinese section of town. While there the delegation was awakened by loudspeakers blaring in Chinese. The delegation was warned by Tibetans not to speak in Tibetan, as previous Tibetan speaking tourists had been harassed by Chinese authorities for speaking in Tibetan. There was a tangible tension in the streets in Shigatse between Tibetans and Chinese.

Gyantse appeared to have the largest Tibetan to Chinese ratio of the three larger towns the delegation visited. In preparation for the trip the delegation was told that Gyantse was a good example of a real Tibetan city. From the top of the fort which towers over the town, it became clear, however, that the Chinese and Tibetan areas were roughly comparable in size. This indicates a new trend of Chinese settlers migrating into smaller and smaller cities and towns in Tibet.

It appeared to the delegation that the Chinese civilians in Tibet are no longer simply providing goods and services to the Tibetan people but are to a large extent serving other Chinese. It also seemed that Tibetans are becoming marginal to the economic and social processes in Tibet. Reports of discriminatory practices against Tibetans in obtaining permits to open businesses and restrictions against Tibetan villagers moving into the cities when there are no such restrictions for the Chinese further this process of marginalization.

Numerous greenhouses were observed throughout the Lhasa valley and along the major roads. The delegation had an opportunity to visit a large compound of government-owned greenhouses where the delegation was told that the produce from the greenhouses was provided to government workers, and not to nearby Tibetan villages.

Freedom of religious and cultural expression

The delegation was particularly interested in exploring the degree of religious and cultural freedom in Tibet. The delegation visited numerous monasteries and temples and learned of religious restrictions inside Tibet from monks, nuns and layman; both in Tibet and in Nepal.

As the centers for Tibetan culture and religious belief, the monasteries and nunneries are often the focal point for political activity for the Tibetan people. Human rights organizations have documented over 350 monks and nuns imprisoned in Lhasa alone for their political beliefs. Torture and mistreatment of detained monks and nuns is reportedly common.

It has been documented that religious policies for Tibet are developed by central authorities in Beijing and are carried out in each monastery through Democratic Management Committees (DMC). The DMC has the power to intervene in all activities of the monastery and often works directly with security forces. Restrictions on religion are enforced by the Religious Affairs Bureau (RAB). The RAB oversees the restoration and reconstruction of monasteries, administers funds, and screens applicants for entrance into the monasteries.

The delegation was able to visit several of the over 6,000 monasteries destroyed since the Chinese occupation. The delegation observed evidence of new construction in several of the monasteries visited, though none had been restored to its former size. In one monastery half of the building was still used as a government office, while in another only two of the monastery's sixteen buildings had been rebuilt. Tibetans displayed a vigorous interest in rebuilding and using the monasteries. However, while the Tibetans have been allowed in some cases to begin rebuilding, credible witnesses told the delegation of numerous restrictions and regulations over the building process and the actual management of the monasteries. Special permission for any such project must be obtained from Chinese authorities. According to numerous individuals interviewed by the delegation, monks do not completely control monastery finances, even though the vast majority of funds in the large monasteries and all of the funds in the smaller monasteries come from individual donations from Tibetans. The large monasteries and temples which are visited by tourists have received limited government funds for reconstruction. The delegation was told that the government, however, reaps the benefit of the tourist entrance fees which are required in these monasteries.

Monks interviewed by the delegation discussed at length the significant restrictions placed on the number of monks or nuns that each monastery is allowed to admit. Most monasteries are allowed only a tiny fraction of the historic levels of monks who taught, studied and lived in them prior to 1949; few are allowed more than 100 monks. Thus many who want to enter the monasteries are unable to do so. This is particularly significant in light of the fact that the monasteries were the traditional centers of learning and cultural expression in Tibet.

According to the monks the delegation met, those who are admitted to the monasteries are not permitted enough time for studying. Instead authorities have given them other duties to perform which restrict their ability to get a full religious education. Chinese informants are also reportedly prevalent in the monasteries. They monitor the activities of the occupants, and in some cases constitute a significant percentage of the monastic population.

The Panchen Lama was a controversial, high-level religious figure who stayed in Tibet after the Chinese invasion in 1949 and cooperated with Chinese authorities. However, he did make efforts during his lifetime to stem Chinese repressive policies in Tibet. He died in Tibet in 1989. Many Tibetans discussed their concerns regarding the selection of the new Panchen Lama. Tibetans fear that when a child is selected as the next Panchen Lama, that the Chinese authorities will attempt to manipulate his education so that he will work against the Tibetan people.

The atmosphere in the Panchen Lama's monastery in Shigatse, Tashi Lhunpo, was instructive. Because of the Panchen Lama's relationship with the Chinese Government, it was the only monastery that the delegation visited that had been spared extensive destruction. It even had some new temples that were elaborately and lavishly decorated. However, many Tibetans described this monastery as being filled with "Chinese agents." Members of the delegation were told that in the recent past, if a tourist were to give a picture of the Dalai Lama to a monk in this monastery, a common practice for tourists visiting Tibet, he or she would likely be turned into the authorities and charged with instigating unrest. Tashi Lhunpo, as well as the Potala in Lhasa, had numerous Chinese tourists.

Yamdrok Tso

Yamdrok Tso is a large freshwater lake southwest of Lhasa, considered to be a sacred "life-water" lake by the Tibetan people. Yamdrok Tso is currently being exploited by the Chinese authorities for hydroelectric power and mineral deposits. The Tibetan people have strongly protested this project because of environmental and religious concerns. This is one project that the Panchen Lama vocally opposed shortly before his death. One Tibetan told us that "there is no reason for the Chinese to destroy Yamdrok Tso. They don't need it. If they need electricity they could use the rivers in the next valley."

As the delegation drove past the lake it passed a town called "Lhok Khang" the hydroelectric station; an extensive mining operation; and scores of military personnel.

Education

While in Tibet members of the delegation visited a middle school and Tibet University to determine educational opportunities for Tibetan students.

The secondary school system in Tibet contains a Chinese and a Tibetan tract. However, in order to progress to high school, students must pass English and Chinese language exams, subjects which can only be sufficiently studied on the Chinese tract. At the middle school the delegation visited there are 300 students, 100 of whom are Chinese. The school has both Chinese and Tibetan teachers. However, the Chinese teachers receive six months home leave every two years to return to China, while the Tibetan teachers do not receive comparable vacation time.

One Tibetan told the delegation that she had gone to school in China to receive a "good education." Others also expressed similar sentiments that schools in Tibet are inferior and if a student is ambitious, he or she must travel to China. Older Tibetans expressed the concern that Tibetan children studying in China will forget their culture.

According to an administrator at Tibet University, the only university in Tibet, only 19 percent of the 1,300 students are Tibetan, and the language of instruction in Chinese. The delegation was told that many Tibet University graduates go to China to work after they have graduated.

CONCLUSION

The delegation spent ten days investigating current conditions in Tibet through discussions with those in the Tibetan exile community in Nepal and through first-hand observations inside Tibet.

Based on its observations, the delegation concludes that China's policies in Tibet pose a grave threat to the survival of the Tibetan religion and culture and are effectively turning Tibet into another province of China.

The pervasive presence of Chinese military personnel and Chinese civilians, as well as the ongoing human rights violations against the Tibetan people, have created an atmosphere of fear in Tibet. Upon arrival in Lhasa, the delegation was told that two days earlier several monks staged a small demonstration outside the Jokhang temple. They were reportedly arrested by the police who rounded up other suspected sympathizers, in the Tibetan section of town the following night. At various points during the delegation's visit, Tibetans referred to other demonstrators currently in prison for peacefully demonstrating against the Chinese occupation.

Growing support in the international community for the Dalai Lama's efforts, including the awarding of the 1989 Nobel Peace Prize, seen to provide hope to the Tibetan people. Many people asked delegation members about the Dalai Lama; for photos of him, and for news of his activities. Many of them volunteered the hope that he would be able to return to Tibet and that the Chinese would leave.

It has been the Dalai Lama's policy to advocate a peaceful resolution to the situation in Tibet through negotiations. He has also expressed his willingness to not raise the issue of independence at negotiations, as long as all other issues threatening the Tibetan culture are on the table. It is the delegation's belief that until the Tibetans regain some control over policies affecting their daily lives, the very survival of their culture will remain at risk.

Policy recommendations

The delegation believes that the U.S. and the international community should use all policy tools to call on the Chinese to immediately:

Enter into substantive negotiations with the Dalai Lama or his representatives;

End government incentives for Chinese settlers to move to Tibet;

Respect the basic human rights of the Tibetan people, including the fundamental rights to freedom of speech and assembly;

Permit the Tibetans to freely practice their religion and pursue their unique way of life;

Provide more opportunities for educational advancement of Tibetans studying in their own language; and

Cease all discriminatory practices towards Tibetans.

In addition, the United States should work in close cooperation with the Tibetan Government in exile to provide concrete and moral assistance to the Tibetan people as the Congress recently suggested in adopting the Foreign Relations Act.•

THE GLOBAL FIGHT AGAINST DRUGS

• Mr. SIMON. Mr. President, as Congress debates the merits of the crime bill pending in the House and Senate, it is worth reminding ourselves that drug trafficking is more than simply a domestic issue. It has an international dimension as well.

The vast majority of illicit drugs in this country comes from abroad. Indeed, according to some estimates, the Cali Cartel in Colombia alone controls over 70 percent of the world's cocaine business. The effectiveness of our domestic crime control efforts will be undermined if drugs flow unabated from these source nations.

Moreover, international drug control efforts serve significant foreign policy concerns. As former Senator Tim Wirth sagely observes in his recent article in the St. Louis Post-Dispatch, drug trafficking gangs spread their poisonous influence throughout the international arena, threatening the stability of countries in Asia, Latin America, Africa, and elsewhere.

Senator Wirth rightly states that combatting the international drug cartels requires increased international awareness, as well as the cooperation of multilateral and ad hoc organizations, such as the United Nations and the Organization of American States. It will also require American assistance—both technical and monetary—to encourage an effective international response to drugs trafficking. In addition to interdiction efforts, America must help vulnerable nations in structural ways, by encouraging judicial reform, strengthening democratic institutions, and working to stabilize economies previously dependent on narco-dollars.

Tim Wirth's article is a welcome reminder that the drug scourge has international, as well as domestic, ramifications. I commend him for his timely observations, and I ask that his article be reprinted following my remarks.

The article follows:

U.S. MUST LEAD GLOBAL FIGHT AGAINST DRUGS

(By Timothy E. Wirth)

In a recent column on the crime scare [published Jan. 31 in the *Post-Dispatch*], David Broder wrote that Congress and the president should quit grandstanding about crime and take more productive if less headline-grabbing steps against it. Citing the link between crime and drugs, he said Congress and this administration should get serious about making drug treatment available to everyone who needs it.

Although he makes a good point, Broder, like many others, overlooks a critical aspect of the link between drugs and the crimes committed on the streets of American cities: the international dimension. Since all of the heroin and cocaine fueling drug-related crime and violence in the United States comes from other countries, we cannot expect to make progress in our domestic efforts against crime or drugs if we turn our backs on international drug control programs.

In reaction to shrinking budgets, debate on drug control policies increasingly is couched in zero-sum terms: Either the money should be spent overseas or it should be concentrated here at home. The domestic problems of drugs and crime cannot be addressed by ignoring what happens overseas. Long-term commitment to U.S. leadership in international drug control may be a more subtle case to argue, but that is precisely what is needed.

Criminals narco-trafficking mafias operate with all the advantages and efficiency of the largest multinational corporations, but they rely on primitive violence in pursuit of profit and power. Nigerian heroin gangs have extended their reach from Lagos, across Africa, to Europe, the Far East and the United States. Their wealth and influence could complicate Nigeria's return to democracy.

In Latin America, traffickers challenge basic legal institutions, suborn or attack law enforcement agents and buy off or threaten judges, politicians, officials, military officers and the media. In Russia, criminal gangs grow in size, power and reach, establishing ties to narco-trafficking organizations. Recently, a ton of South American cocaine was seized in a Russian port.

Only vigorous U.S. international leadership can help stop nations newly freed from the chains of communism from becoming newly enslaved to the influences of powerful narcotics and crime syndicates that threaten democracy.

Past policies have been long on "war" metaphors and short on realistic goals for turning back the tide of drug trafficking and abuse. That kind of thinking has fed much of the current frustration about programs that don't work.

The administration has reviewed previous programs, and fashioned its own approach to the drug problem. On Feb. 9, President Bill Clinton announced a new drug control strategy. The goals of this strategy are to build international awareness of the global threat from drug and crime syndicates, create momentum for international cooperation, strengthen democratic institutions and help stabilize economies previously dependent on narco-dollars. The program would disrupt the drug trade by pressuring kingpin organizations, confiscating their drugs, seizing their assets and eradicating drug crops.

To accomplish these objectives, the president is asking Congress for $237 million for international drug control and criminal justice programs next fiscal year. These programs represent a long-term commitment to reducing international drug trafficking and providing aid and technical expertise to nations committed to controlling their own drug problems.

International drug control is not just a law enforcement endeavor. It also involves building healthy economies and democratic institutions like honest judiciaries, professional police and elected governments responsive to the will of the people. This will be money well spent.

The administration's new strategy will enlist support from a variety of multilateral organizations. This effort will cost the U.S. taxpayer little but pay big dividends. Public support overseas will add urgency and momentum to cooperation by foreign governments. Multilateral institutions can complement U.S. efforts and gain access to areas of the world where our influence is limited.

We will expand efforts to get the United Nations—particularly the U.N. Drug Control Program—the Organization of American States and other regional and ad hoc groups more actively involved. For the first time, we are engaging the international financial institutions in drug control efforts. We will ask that they support sustainable development programs in key drug countries to create permanent economic alternatives to drug production and trafficking.

Like most global issues, drugs are not a matter of partisan ideology but of shared interest. The issue straddles the domestic and foreign policy communities and thus must be addressed by both.

Although American public and congressional sentiment about crime is running high, Congress last year cut funding for programs to control the flow of drugs entering the United States. Many of those programs needed to be overhauled and some frankly needed to be cut. We cannot, however, carry out our new policies without a well-focused U.S. commitment and adequately funded programs.

International drug trafficking is growing, and foreign narcotics syndicates look first to the U.S. market. Survey data announced Jan. 30 showing a resurgence of drug use among American teen-agers should signal a warning. If drug production and trafficking are left unchallenged at their international sources, they will overwhelm our ability to defend against drug abuse and crime here at home.●

THE MISSING LINKS IN AN UNHEALTHY SOCIETY

● Mr. LUGAR. Mr. President, I rise today to share with my colleagues in the Senate a recent speech delivered by Clarence E. Hodges entitled "The Missing Links in an Unhealthy Society." Mr. Hodges is currently president of Christian Record Services Inc., in Lincoln, NE. He also serves as chairman of the Human Rights Commission in Lincoln, and is a former Deputy Assistant Secretary of State. I ask that this speech be printed in the RECORD.

The United States of America, the great super power of the world, is the most desired country of residence in the world. At the same time, it has some of the most disturbing anti-social statistics. Why do citizens of every country look forward to visiting, studying, and living in America? Why is this country of prosperity and freedom plagued with problems of crime, violence, low self-esteem, and under class?

In 1964, President Lyndon B. Johnson announced his plans for developing "The Great Society". The goals included the elimination of poverty, illiteracy, illegal discrimination, and the advancement of provisions for health, success, and wealth for all Americans. Johnson's dream met a premature death even before his premature retirement from the Presidency.

Today, the great society may well be called the sick society. Our self-esteem is sick. Babies are giving birth to babies. In some cities, more babies are born out of wedlock than to married couples. Little boys are shooting little boys with assault rifles. Gangs get their excitement from drive-by shootings of innocent men, women, and children. One hundred thousand children think it necessary to carry guns to school each day. Parents are brutalizing their small children with ten to twelve being killed each day at the hands of those expected to protect them. In some cities, half of the students entering the ninth grade each year drop out before graduating from high school. Illegal drugs are as easy to acquire as potato chips and candy. Automobiles are stolen at the rate of one every twenty seconds. Three hundred fifty thousand children are put out of their homes each year, often at the insistence of step-parent or mothers' boy friends. Some as young as eight years of age live on the streets as prostitutes earning enough for a couple of hamburgers and a Coke each day. Yes, this is a sick society where the great society is no longer a dream.

The anti-family welfare system created more problems than it solved. Reform may be too little too late.

Where did we go wrong? What is the solution to these problems? What is the prescription for this disease?

Having served as Commissioner for the U.S. Administration for Children, Youth and Families with responsibilities for children and family programs and issues, I have seen the extensive research. I have visited the children's hospitals and seen the victims of abuse, neglect, substance abuse, and preventable diseases. I have lectured at the great schools of social work, listened to the philosophers and experts; visited the prisons, community centers, pool halls, and churches.

The complete family must be returned to the home and religion must be returned to the complete family.

To deny children such equates to human rights violations. It is more reasonable for a child to expect the protections provided by an in-tact functioning family than for adult drug addicts to be entitled to government housing and social security payments. Children are also denied religious freedom by ridicule. Religion, which gives stability and purpose to society, has been ridiculed right out of important segments of society. This is especially true in schools and other activities involving children. Children are thus denied religious freedom as guaranteed by Article 18 of the Universal Declaration of Human Rights which was adopted by the United Nations in 1948. To ignore religion is bad enough because religion is a historical part of the American and world fabric. To ridicule religion through pseudo science and uniformed logic and to detract from an intact functioning family at tax payer expense is tantamount to a death-threatening assault on society and spitting in the collective faces of those who value relationships with God, family, and country.

When compared to the rest of the world, America is still the greatest. But how does America compare to her potential? And if the current negative trends continue, how will she compare to the rest of the world in the distant future?

The challenge for America is to build on our greatness and stop destroying the foundation stones that made us great! "The American Way" does not allow for the imposition of family and or religion on anyone. Neither does it allow for the denial of same to anyone. Yet, denial by ridicule, where children are involved, is as much denial as denial by military might. The First Amendment of the Constitution not only keeps government from participating in the establishment of religion but keeps government from prohibiting the free exercise thereof. Tax supported activities which ridicule God, interfere with the free exercise of religion, especially where children are involved.

The impact of religion on the U.S. economy has never been fully measured. Religion and religious institutions provide millions of jobs. Church-operated social service agencies save government agencies billions of tax dollars annually. Let's revive the twin geese that laid the golden eggs. The golden eggs they laid include the enhancement of self-esteem. This enhanced self-esteem has a positive impact on our individual and collective successes and on our individual and national images. Let's encourage these twin institutions in their efforts to save our society by saving our children by saving our families. This will save America's place in the world for the world.●

NAPERVILLE'S CULTURAL AWARENESS AND TRAINING PROGRAM

● Mr. SIMON. Mr. President, I recently had the pleasure of visiting Naperville North High School in Naperville, IL and participate in its cultural awareness and training program.

In response to growing intolerance and prejudice, Naperville North students were challenged to make a commitment to speak out against acts of religious, gender, ethnic, racial or age discrimination. Students were also asked to help a friend that has a drug or alcohol problem.

I am pleased that over 300 students declared their commitment to recognizing and eliminating prejudice and discrimination, and I applaud the exemplary action of these students. I commend the efforts of Naperville North teachers Robert Walsh and Chris Langeneckert and Assistant Principal Catherine Finger for organizing this program. I would like to enter the names of the students in today's CONGRESSIONAL RECORD to acknowledge their willingness to speak out against injustice and intolerance. I also urge other schools and students to promote and participate in similar programs.

The list of names follows:

PARTICIPANTS IN THE CULTURAL AWARENESS AND TRAINING PROGRAM

Afshari, Saman.
Alaks, Nykki.
Allen, Kim.
Amundsen, Carrie.
Anderson, Eric.
Andrews, Alysia.
Aragones, Arthur.
Ashman, Melody.
Ashman, Heidi.
Babic, Cari.
Baker, Laura.
Barrington, Jenny.
Barry, Conor.

Basta, Bridget.
Baumgart, Phillipe.
Bessey, Bryan.
Bhatia, Deena.
Black, Antwian.
Blumthal, Bill.
Boehlen, Beth.
Borerio, Francesca.
Broad, Jennie.
Brooks, Marcus.
Brown, Anita.
Brown, Bridgette.
Brown, Levelle.
Brozovich, Amy.
Buchanan, Jack.
Buckley, Ossie.
Budinsky, Katia.
Buehring, Christine.
Bush, Vanessa.
Byrne, Raeghan.
Campbell, Kristie.
Cappa, Chris.
Carn, Charles A.
Carpenter, Amy.
Cato, Sibyl.
Chang, Tom.
Chang, Brian.
Chavez, Maria.
Childs, Rich.
Christein, Mandy.
Chung, Cathy.
Cohrs, Susan.
Cohrs, Cathy.
Collett, Jessica.
Collura, Missy.
Condie, Lisa.
Cook, Megan.
Craine, Roger.
Crannell, Sam.
Crawford, Amy.
Croco, Sarah.
DeBarba, Kirsten.
Decker, Ryan.
Dertz. Amy.
Desai, Meghana.
Dessy, Melanie.
Diaz, Gina.
Dixon, Antonio.
Doctor, Alaethia.
Dorn, Katie.
Drake, Chiqueta.
Dreisilker, Kurt.
Duncombe, Nate.
Dybas, Stefanie.
Eagleson, Theresa.
Eiserman, Karen.
Engstrom, Karin.
Ewald, Joy.
Fedofsky, Pete.
Filipek, Kristen.
Fink, Kalli.
Fjell, Erik.
Flores, Kim.
Forde, Genevieve.
Forsyth, Amie.
Fraser, Sean.
Fries, Michael.
Friz, Greg.
Ganjbaksh, Ali.
Giere, Brian.
Gill, Pam.
Ginsburg, Alex.
Glerguis, Sherene.
Gonzalez, Lety.
Griest, Neil.
Grigsby, Laura.
Grover, Erin.
Guill, Carra.
Gulley, Don.
Gupta, Vipul.
Guzman, Rick.
Hairston, Justin.
Hamm, Jessica.
Haraldsell, Tim.
Harris, Alan, Teach.
Hartman, Jen.
Hatch, Erin.
Hatch, Rachel.
Heeley, Steve.
Heinz, Tabatha.
Hichew, Evan.
Higgins, Katy.
Highland, Leslie.
Hilsenbeck, Jeff.
Housiten, Takakiea.
Hsu, Dave.
Hsu, Joanne.
Huang, Tina.
Hudson, Lisa.
Hume, Heather.
Hungness, Mary.
Ihlenfeld, Matt.
Ilyas, Fatima.
Irby, Kelli.
Iyer, Vijay.
Jackson, Marlon.
Jackson, Wendy.
Jech, Patty, Secre.
Jenkins, Danielle.
Jensen, Tracy.
Johnson, Jenn.
Johnston, Chris.
Jones, Valerie.
Jones, Jesse.
Katyal, Navin.
Kesman, Mark.
Keveloh, Trevor.
Kim, Mina.
Kim, Susan.
Kim, Jin.
Kirkpatrick, Aaron.
Knapik, Cyndi.
Kociolek, Eva.
Kolodziej, Dagmara.
Konrad, Sarah.
Kornbrot, Jeff.
Krishna, Malini.
Krock, Alison.
Krzysztonek, Ursula.
Kuntzman, Heidi.
Kwan, Vince.
Langeneckert, Chris, Teach.
Lee, Gloria.
Leonard, Melanie.
Lewis, Mark.
Lin, Cathy.
Lippoldt, Brad.
Liu, Jennifer.
Livanos, Vivian.
Lock, Spencer.
Lohr, Matt.
Lottich, Scott.
Lu, Emily.
Luckmann, Nikki.
Malek, Dave.
Malm, Kirsten.
Mambu, Robert.
Margosian, Charley.
Maughan.
Maxis, Mary.
McGowan-Klock, Mary, Teach.
McKahin, Megan.
Mehta, Mikhil.
Merriam, Karen.
Mertes, Beth.
Mickleson, Tim.
Miller, Candy.
Millsap, Lindsay.
Miner, Carmen.
Mitchell, Kerry.
Moore, Danielle.
Moravcik, Amy.
Moy, Godwin.
Moylan, Katie.
Mygind, Scott.
Naegelin, Clint.
Navarro, Christine.
Neal, Kristy.
Negus, Cheryn.
Neuendorf, Tim.
Newberry, Jeanne.
Nguyen, Bao.
Oliver, Clinton.
Ortiz, Frank.
Owens, Ashley.
Palangattil, Michelle.
Pan, Jeff.
Pan, Deby.
Park, Chris.
Parker, Bev.
Parnell, Alex.
Parsons, Nancy.
Patel, Anil.
Patel, Ashish.
Pederson, Bob.
Penn, Tasha.
Phelps, Matt.
Philipchuck, Kristen.
Pierce, Sarah.
Pitts, McKinley.
Pitula, Michael.
Plackett, Jesse.
Price, Amber.
Puglisi, Rachel.
Puniani, Sarika.
Quagliana, Dave.
Quayle, Chris.
Raheemullah, Noor.
Raju, Modhavi.
Ramsbottom, Todd.
Reed, Ellen.
Reese, Quintona.
Reilley, Kelly.
Reinert, Kristina.
Rest, Josh.
Rhee, Jenny.
Riddle, Jennie.
Rose, Melissa.
Rotramel, Alizah.
Rutledge, Tonie.
Sachdeva, Shalini.
Schild, Dave.
Schmidgal, Joel.
Schoen, Greg.
Schreiner, Lora.
Schwander, Nikki.
Schwartz, Jenn.
Senneke, Amanda.
Seok, Jore.
Sharks, Niah.
Sheen, Phil.
Silder, Scott.
Singh, Poonam.
Smith, Cheryl.
Smith, Brian.
Southworth, Lisa.
Stachowiak, David.
Stevens, Julie.
Stewert, Kim.
Stiff, Beth.
Stone, Melissa.
Straka, Katie.
Strougal, Becki.

STUDENTS ATTENDING THE "I'LL SPEAK UP" ATT LEADERSHIP

Suen, Inez.
Sula, Lisa.
Sun, Stephanie.
Suzzi, Frankie.
Swanson, Kayra.
Swardstrom, Lilly.
Synnott, Carol.
Synnott, James.
Tallon, Karen.
Tang, Samantha.
Terry, Leslie.
Thadani, Param.
Tittsworth, Robyn.
Tolia, Vaishal.

TRAINING—MONDAY, APRIL 25, 1994

Tsai, Sherry.

Udani, Suneel.
Ulie, Jenn.
Ulrey, Joe.
Utterback, Katie.
Vazquez, Tom.
Vintar, Karen.
Vogelpohl, Tracey.
Vojtik, Anne.
Wald, Karen.
Wall, Marin.
Wang, Alice.
Warren, Joe.
Wendorf, Matthew.
Werner, Megan.
Whisler, Eric.
Williams, TJ.
Willman, Luke.
Witegreutzer, Dan.
Wolcott, Andy.
Wood, Jennifer.
Woolman, Matt.
Wright, Marvin.
Wurl, Stacy.
Xiau, Feng.
Yaylor, Tricia.
Yi, Tang.
Ying, Jason.
Yoo, Anne.
Young, Richard.
Zech, Jennifer.•

ON LIFTING U.N. SANCTIONS ON IRAQ

• Mr. D'AMATO. Mr. President, I rise today to voice my strong concern over a proposal by Turkey to partially lift the U.N. sanctions against Iraq to allow Turkey to flush out some 12 billion barrels of oil from the pipeline which passes through Turkey. Turkey claims that the oil will be used for domestic purposes and will not be let out into the world market. It is my understanding that the administration will not object to such a move, should it come before the United Nations.

If this is in fact true, this could set a terrible precedent and provide Iraq a foot in the door to accomplishing its goal since its invasion of Kuwait: an end to the total U.N. embargo placed against it.

Mr. President, let there be no ambiguity about this, in no way, shape, or form can the U.N. sanctions be lifted on Iraq until it fully complies with all the U.N. resolutions. Now is the time for resolve, not appeasement.

Mr. President, I ask that the following article from Time be included in the RECORD following my remarks.

The article follows:

NO LONGER FENCED IN

(By Thomas Sanction)

PARIS.—On March 3, 1991, under a hastily pitched tent at Safwan air base in southern Iraq, General Norman Schwarzkopf gazed across the table at two grim-faced Iraqi generals and calmly dictated cease-fire terms that put an end to the six-week Gulf War. Stunned to learn that the U.S.-led forces had captured more than 60,000 of his soldiers, Iraqi Lieut. General Sultan Hashim Ahmad al-Jabbari acceded to each and every condition. "His face went completely pale," Schwarzkopf later recounted. "He had had no concept of the magnitude of their defeat."

Nor has the regime of Saddam Hussein fully accepted its defeat to this day. Although the West expected his warmaking capacity to be blunted once and for all, Saddam has gone back to business as usual. In defiance of U.N. sanctions that ban nonhumanitarian trade and clamp an embargo on arms sales to Baghdad, he is working to rebuild his military and industrial might. Helping him are middlemen, front companies, compliant neighbors and Western businessmen eager to reforge commercial contacts with a big potential customer and the possessor of the world's second-largest oil reserves.

Saddam doesn't always have to defy the U.N. to achieve his goals. Although Security Council resolutions forbid Iraq to possess or develop weapons of mass destruction, they place no such ban on his conventional-arms industry. Using a clandestine technology-procurement network never fully dismantled, Saddam continues to buy spare parts for T-72 tanks in China and Russia, antitank and air-defense missiles from Bulgaria, and may now be turning to West European firms for critical electronics for his air force. At the same time, he has pressed forward with Iraq's ballistic-missile research at newly built laboratories. With a leaner and meaner fighting machine of about 400,000 troops, Iraq still has the largest army in the region.

Anticipating the end of sanctions, Iraq has negotiated a batch of trade agreements with France, Turkey and Russia, and has even been discussing new contracts with U.S. companies. A loophole in the sanctions allows foreign companies to set up deals with Iraq that will take effect once the U.N. embargo is lifted. The French, Italians, Russians and Turks have interpreted this to mean they can enter contractual relationships; the U.S. has not. "It would be stupid for us to be the last ones in, when everyone else is lining up to sign contracts for Iraq's reconstruction," says General Jeannou Lacaze, retired chief of staff of the French armed forces.

Saddam is already on the verge of winning an important U.N. concession: a partial reopening of Iraq's oil pipeline through Turkey. Periodically Baghdad will be allowed to "flush" the pipeline of old oil—which the Turks claim is corroding the pipe—and fill it with fresh oil. Each flush will yield about 12 million bbl. of marketable oil, which would net Iraq some $50 million, and there could be several such operations every year.

Turkish officials, who say they are sacrificing $250 million annually in lost pipeline fees, insist that Iraq will get only humanitarian aid—not cash—in exchange for its oil. They promise to refine and use the oil domestically, so it will not upset the world petroleum market. The very idea of limited oil sales for Iraq is anathema to the U.S. But Washington will reluctantly go along with the Security Council plan because the U.S. does not want to offend Turkey, an important friend that allows American jets based on its soil to patrol Iraqi airspace. "Turkey is a good ally," says an American diplomat at the U.N. "We are sympathetic to Turkey's needs."

This week, as he does every 60 days, Iraq's Deputy Prime Minister Tariq Aziz will meet with the U.N. sanctions committee in New York City to argue for an end to the embargo. His previous entreaties were flatly rejected, but this time he will find growing support. Three of the five permanent members—France, Russia and China—want the trade bans eased. All three stand to win lucrative contracts to repair Iraq's infrastructure. France and Russia, among Saddam's major prewar trading partners, hope Baghdad could begin paying off its massive debts.

The U.S. and Britain insist that Iraq must first comply with every condition in the U.N. resolutions that ended the Gulf War. Baghdad argues that its recent cooperation with U.N. arms inspections is compliance enough. But U.S. officials doubt Saddam has renounced his dreams of regional dominance. Moreover, he is violating the U.N. resolutions on two key points by refusing to acknowledge Kuwait's independence and by committing human-rights violations against Iraq's Kurds and Shi'ites. Says Secretary of State Warren Christopher: "The stakes are too high to give Iraq the benefit of the doubt or to let our policy be dictated by commercial interests or simple fatigue."

No one doubts that the sanctions are biting. Inflation in Iraq has soared to 250% of prewar levels, while living standards have plunged by half. Both as a money-saving move and a hedge against defections of senior diplomats, Baghdad has recently had to close 15 embassies. The question facing Western policymakers is whether Saddam's intensified lobbying to end the embargo shows last-ditch desperation which would argue for keeping up the pressure in hopes of toppling the regime, or whether Saddam has successfully ridden out the storm. In any event, his strategy is clever and multipronged:

TACTICAL TWO-STEP

The pipeline deal is the first tangible gain from a tactical about-face by Saddam. After resisting efforts to monitor his capabilities for nuclear, biological and chemical warfare, he suddenly announced last November that his regime would comply fully with U.N. inspectors. Since then, Iraq appears to have done so.

Hans Blix, director general of the International Atomic Energy Agency, reported last October that "in all essential aspects, the nuclear-weapons program is mapped and has been destroyed through the war or neutralized thereafter." Rolf Ekeus, chairman of the U.N. monitoring team, believes Baghdad's chemical programs have been dismantled. Ekeus is also confident that his men have accounted for all 890 Scud-B missiles Iraq bought from the Soviet Union during the 1970s and '80s. But he still has doubts that Iraq has destroyed its biological-weapons program.

Saddam's aim is plainly to fulfill the letter of U.N. law by coming clean about Iraq's unconventional-weapons programs in order to get the sanctions lifted. But monitors like Ekeus suspect he has no intention of obeying the spirit of the ban. Iraq may already be secretly reviving its long-range missile program. Scientists continue to pursue ballistic-missile research, not only at sites destroyed during the war and rebuilt, such as the Saad 16 research and development center near Mosul, but in new facilities such as Ibn al-Haytham lab, constructed near Baghdad. While U.N. resolutions allow Iraq to build short-range rockets with a range under 93 miles, a U.N. expert notes "the same technology used to make a missile that flies 93 miles can be used on one that flies 400 or 1,200 miles."

U.N. inspectors insist on long-term monitoring to make sure Iraq does not resume development of mass-destruction weapons once sanctions are eased. "The Security Council does not trust Iraq's intentions," says Ekeus, "and for as long as that suspicion continues, we will continue our monitoring efforts."

SHOPPING NETWORK

There are clear indications that Saddam has reopened his high-tech procurement net-

work. In June 1993 the Egyptian navy intercepted a freighter carrying hydrochloric acid from India outside the Gulf of Aqaba. Experts said Iraq could use the chemical for uranium enrichment.

Six months later, German and Saudi officials detained a German-registered ship, the *Asian Senator*, as it steamed past a Saudi port en route to Beirut. On board, they seized two containers of Chinese-produced ammonium perchlorate, an essential ingredient for solid-fuel rockets and ballistic missiles. Though the ostensible destination was Lebanon, U.N. monitors and U.S. officials confirmed that the real end user was Iraq's long-range missile program.

U.S. customs officials are investigating half a dozen cases in which Iraq allegedly broke sanctions. However, "for every case we see," says one of the agents, "there's probably a hundred potential violators out there." According to congressional investigators, many front companies established in the late 1980s to purchase parts and technology for Saddam's weapons programs continue to operate in France, Switzerland, Germany, Britain and the U.S. Last month American customs agents arrested a pair of Jordanian nationals, Al. M. Harb and his wife Rula Saba Harb, on charges of using a home-based front company in Midlothian, Virginia, to circumvent the Iraqi embargo. Court documents show that the couple made more than 100 shipments to Iraq over the past three years, including equipment that could be used for ballistic missiles and nuclear weapons. "These aren't the Rosenbergs," says a customs agent. "But we have established that they shipped equipment and spare parts of potential use to a revived Iraqi bomb program." The couple have been indicted for violating the Iraq embargo and will go on trial in mid-June.

To finance its arms programs, Baghdad is constantly trying to persuade the U.N. to release its billions of dollars of frozen assets on the pretext of buying "humanitarian" supplies. So far, with the agreement of the sanctions committee, the Iraqis have managed to get back more than $250 million for humanitarian purchases, most of it from British and Swiss banks.

OLD FRIENDS

France, which enjoyed cozy commercial ties with Iraq before the war, is particularly eager to loosen trade strictures. So far, the war and the embargo have cost taxpayers an estimated $8.7 billion in unpaid government-guaranteed loans, and Paris wants to get the money back.

At the same time, French companies that did big business with Baghdad want to resume a lucrative connection. State-owned oil giants Elf Aquitaine and Total were the first Western firms to make contact with Baghdad after the war. Iraqi authorities proposed to give the two French companies a rich production monopoly developing the Majnoun Islands and Nahr Umar oilfields, which could produce 1 million bbl. a day. In exchange, the Iraqis wanted the French to lobby for lifting U.N. sanctions. Since then, according to the weekly Canard Enchaïné, representatives of the two companies have made more than 40 trips to Baghdad and preliminary contracts have been drawn up. The French government has frozen the deal until sanctions are lifted, though a Foreign Ministry spokesman insists that "we have nothing against such contacts."

Baghdad is trying to attract Russia by offering major contracts for oil exploration and rebuilding refineries. In February the Italian gas company Italgaz sent a high-level delegation to Iraq, followed last month by representatives of 30 leading Italian companies, including Fiat autos and International Scientifica, a medical-equipment maker. British, German and Japanese firms have also been poking around the bazaar.

Nor have Americans been wholly absent. According to Western diplomats and business travelers, agents of Occidental Petroleum, Chevron, Boeing, General Motors and others have been spotted in the first-class hotels of Baghdad and Amman, Jordan, where many of the meetings with Iraqi trade officials take place. State Department officials say they have investigated these claims and found no sign of wrongdoing by U.S. companies, who are "officially discouraged" from making such contacts. Says a State Department official: "The Iraqis are engaged in a constant effort to get companies to deal with them quickly. They want them to believe the train is leaving the station and that they will be left behind if they don't jump on board."

Considering the potentially dire consequences—economic, military and diplomatic—of a hasty return to doing business with Iraq, the U.S. wants to err on the side of caution. That is also the position of the U.N. inspectors, who bear primary responsibility for making sure that Saddam's infernal death machine does not spring back to life. If the sanctions are lifted and the Iraqis renege on their promises, putting the restrictions back again may prove to be too little, too late.●

LECTURE BY FCC CHAIRMAN REED HUNDT: CHILDREN AND THE MEDIA

● Mr. SIMON. Mr. President, on February 28, 1994, Reed Hundt, Chairman of the Federal Communications Commission [FCC], gave a lecture to the Harvard Graduate School of Education on media and children. Chairman Hundt offered insight into a variety of issues concerning education, children and the media. I was particularly impressed with his remarks about television violence because of my long-time interest in this subject. He has provided great leadership on this issue, and his suggestion that the television industry take the challenge of reforming their relationship with their audience by creating prochildren and profamily programming is another important contribution.

I ask that Chairman Hundt's February 28 lecture "First Annual Action for Children's Television: Lecture on Media and Children" be entered at this point in the RECORD.

FIRST ANNUAL ACTION FOR CHILDREN'S TELEVISION LECTURE ON MEDIA AND CHILDREN, FEBRUARY 28, 1994

I have been at the Federal Communications Commission as its chairman and chief executive officer for just three months. Last Tuesday, we at the Commission gained a measure of public notice for our unanimous vote to lower the prices of certain regulated cable television services by an additional 7 percent, pursuant to the Cable TV Consumer Protection and Competition Act of 1992. That law was sponsored by, among others, the able and visionary Congressman from Massachusetts, Ed Markey.

Later last week I read in the newspapers that our cable rate decision allegedly broke up the Bell Atlantic-TCI merger, making me and my fellow Commissioner the biggest trustbusters since Teddy Roosevelt.

I appreciate the compliment, but I think it may have been underserved.

However, it is true that we at the FCC have a fair amount of responsibility for developments relating to the greatest story in history of communications since the invention of the printing press: the National Information Highway. For the record, that term was coined in the late 1970s by a graduate of the Harvard Class of 1969: a first-term Congressman named Albert Gore Jr.

(Incidentally, I hope someone's counting my references to Cantabridgians: I'm going for a record here. After 30 years of trying to get into Harvard, I can't count on returning.)

Tonight, I want to talk to you about three topics: First, I want to discuss how we approach all decisions at the FCC. Second, I want to explain how that approach relates to the three most important issues in our jurisdiction that bear on children. Finally, I want to call, and indeed beg for, your attention to a little-recognized fact. At this very moment, the Administration, certain key members of Congress and the FCC are discussing—almost as if in an otherwise empty room—a momentous shift in the power and method of educating children in America today.

As to the first issue—how we at the FCC approach our decisions; we at the Commission are doing our job in the light of two guiding principles.

First, in our decisions we aim to increase economic growth and create jobs, particularly by encouraging competition wherever and whenever possible, or by regulating rates so as to replicate the competitive model when that is necessary. That is what we tried to do with respect to our recent cable ruling, and I firmly believe that when our regulations are officially published and studied, they will greatly promote investment and economic growth.

Second, we will take actions that enhance access to markets for consumers, producers, and new entrants.

Decisions to promote economic growth and access have increasing significance because we increasingly live in an electronic age and work in an information economy. Already American business is largely transacted over what the Economist magazine recently called one of the seven wonders of the modern world: a telephone network that provides active service to 95% of all households and businesses.

We have 55 phone lines for every 100 Americans. In Brazil, there are 7 lines per 100 people in Africa, the number is 0.7.

These statistics do not just measure our economic development; they are a major cause of it.

For our economy depends on the networks. Approximately 60% of the workforce consists of "knowledge workers"—people who use the networks to communicate and learn in order to do their job. This number will go up. And the communications and information sector will also grow; depending in part of the FCC's decisions, it could reach one trillion dollars, one-sixth of current GDP, by 1997.

The influence of the networks is not just in our livelihoods; it is woven in the fabric of our lives.

Daniel Boorstin wrote that "America grew in the search for community," our ubiquitous cable and telephone networks, as well as over the air broadcast networks, are crucial to our ongoing search for community.

Without attention to issues affecting access; however, our already divided commu-

nities may shatter. If these networks do not reach into every community and bring us together, they could end up dividing us further—leaving whole segments of our country without the skills and information necessary to prosper in our post-industrial economy.

The principles of economic growth and access have particular application, I submit, to the three most important children's issue in our jurisdiction. These are the following:

(1) The Children's TV Act regulations.

(2) Violence on Television.

(3) The extension of our interactive networks into the classroom.

I want to focus tonight primarily on the third of these, not because the others are in any respect unimportant but because of the critical timing of actions you can take to influence what we do in Washington. However, let me discuss initially the other two issues.

First, in response to the Children's Television Act of 1990, the FCC promulgated regulations in April 1991 requiring TV stations to broadcast programming responsive to the educational and information needs of children 16 and under. No quantitative guidelines were set.

About a year ago, the FCC began an inquiry as to whether the rules should be modified. It is about time to bring that inquiry to a close and we intend to do so in the near future. The issues include the definition of "educational and information" programming and the wisdom of quantitative standards. In addition, I am particularly interested in the question of the economies of children's programming. What is likely to encourage marketplace economics to generate high quality children's programming?

This leads to a second children's issue: the impact of TV violence on children. At a convention of independent TV station owners and managers and programmers last month, I cited Dr. Leonard Eron, Professor of Psychology at the University of Michigan, who said that when it comes to determining whether violence on TV contributes to making children more violent "the scientific debate is over." Numerous studies over more then thirty years have proved a causal connection between TV violence and real-life violence.

I suggested to the broadcasters that the violence issue challenges television in much the same way that the concerns about auto safety challenged the car companies in the 1960s. These was then for the car companies and there is now for television a fork in the road: one way is the path of denial and confrontation. The other way is the route to opportunity and renewal.

Yogi Berra explained what to do in this situation: "When you come to a fork in the road, take it." And I suppose that there inevitably will be in a diverse industry some who want to go one way, and some who want to go the other.

But, as I said, I think the better way is clear. Non-violent programming can be for broadcasters what safety now is for the car companies: an opportunity to win again the trust of the public. It can be a chance to redefine the product so that it embodies the values of our country. Just as Chrysler invented a whole new family car, broadcasters can invent a new kind of family programming.

If programmers, cable operators, and broadcast TV licensees were to eschew violence in TV programming, they could invent a whole new kind of pro-children television. This new product would reforge their relationship with their audience. And it would further the implementation of the Children's TV Act. For although it is not inevitable that nonviolent programming would be educational and informative, certainly the new product that I called upon the industry to create will include programs that meet the words and the spirit of the Act.

Creating this new product, industry will provide children across this country with access to information and learning that too often today is unavailable. At the same time they will gain access to new business opportunities that will generate further economic growth.

My third, and time urgent, children's topic, concerns the country's classrooms. In Los Angeles, on January 11 of this year, the Vice President challenged every telecommunications company, school board, teacher, librarian, and citizen of this country to "connect and provide access to the National Information Infrastructure for every classroom, every library, and every hospital and clinic" in the country by the year 2000.

In his State of the Union speech two weeks later, the President said: "The Vice President is right—we must also work with the private sector to connect every classroom, every clinic, every library, every hospital in America into a national information superhighway by the year 2000." He went on: "Think of it—instant access to information will increase productivity, will help to educate our children."

That was the first time telecommunications was mentioned in a State of the Union speech. It was mentioned as the path to a new kind of education. This national information infrastructure of which the President and the Vice President have spoken will rely heavily upon our telephone and cable networks, as they exist and as they will become. Already telephone lines easily have sufficient capacity for some video applications and many voice, data, and computer linkup.

Meanwhile, cable operators are replacing coaxial cable with fiber optics cable, so as greatly to expand channel capacity at low cost. They are motivated to add channels to increase subscription revenue. (And, I might add, our recent regulations will make this incentive stronger than had been the case.) With the increase in fiber deployment, cable operators will be able to transmit all imaginable quantities of data and full motion video. In short, when the networks are built, any child can have access through a computer, TV set or telecomputer to any teacher and any group of children with access to the new network. Any child can at all times be in the virtual classroom that is right for his or her development or interest.

Whether cable combines with the switched telephone network, or whether cable companies install their own switches while telephone companies expand their bandwidth, are questions that private industry, academics, the FCC, and others in government will address in coming months and years. However, it is inevitable that switched, broadband, interactive networks will be built across the country. The President, the Vice President, and I hope all of you believe that these networks should reach all of the classrooms of all of our schools as soon as possible.

Already Bell Atlantic, PacBell and Ameritech have said, with some modest reservations that I think can be overcome, that they will connect all the schools in their regions to the developing broadband networks. A major cable company, TCI, made the same commitment. These commitments will extend the networks to more than ⅓ of American schools.

If—or dare I say when?—the Administration's challenge is met by everyone, education in this country will be reinvented, forever and for better.

Because of the extension of the networks to the classrooms, education is about to experience an evolution and transformation that accords with the theory that Stephen Jay Gould in his book of essays "The Panda's Thumb" called "punctuated equilibrium." According to this doctrine, a static ecosystem does not so much evolve gradually, but rather occasionally experiences jolts of change that cause entirely new species to emerge suddenly from the great pool of genes and to become dominant.

The current equilibrium in education has long consisted of a closed environment with a single teacher facing the churning inattention of the classroom of kids, with chiefly the voice and the book as the modalities of communication.

Like everyone my age, I learned in this environment. My perennial classrooms at the Walnut Hill Elementary School in Falls Church, Virginia, each with the single female teacher and three dozen dazed children, constituted an environment not much different from that in which education was meted out to my father and his father before him in Milwaukee, Wisconsin.

I can't report on educational conditions farther back than that, since Horace Mann's dream of public education never reached my nineteenth century potato farming forebears in Schleswig-Holstein.

I discovered the teacher's side of this static environment in 1969 when, with a Yale diploma in one hand and a copy of Jonathan Kozol's "Death at An Early Age" in the other, I took my first job: teaching seventh grade social studies in an inner-city school.

I had five classes of 35 kids each. Before the first class on the first day I was issued 35 textbooks. I distributed the books to the class. We covered a few pages. The bone-shattering bell rang. The kids raced to squeeze through the door en masse simultaneously. After more than half had escaped, I remembered that I had no other books, but 140 more kids to teach. I desperately shouted for everyone to return their books. I retrieved approximately 11. These did not survive past lunch. The rest of the year I taught with purple stained fingers and distributed for "material" sheaves of wrinkled mimeograph paper. I made up each lesson from whole cloth. Our "social studies" was supposed to be about global climate. I hope our environmental Vice President will forgive me—it turned into African History and, by spring, five parallel performances of Macbeth.

Fortunately for the curriculum committee, after one more year in teaching I elected to go to law school.

I tell this story as a prelude to suggesting that 23 years after I left teaching, the ecosystem (if you will) of the classroom is not nearly as changed from that of the junior high school I so inadequately served as it should be or could be.

Of course it is true that in the better schools there are many more than 35 books for 175 children, and most of our 2.5 million teachers are far more skilled now than I was then.

Indeed, it is the case that slightly more than half of all classrooms have computers, whereas when I was teaching the PC hadn't even been invented. And about one third of classrooms have cable television, thanks in very significant part to the admirable Cable

in the Classroom program that programmers and cable system operators have initiated.

We need 100% penetration to classrooms in those respects, and it is hardly good news that there are almost no classrooms with more than one or two computers. Indeed, it is distressing that out of an average $6,400 spent per pupil per day, only $35 goes to technology. This is a sad misallocation of scant resources in light of studies showing that using interactive computer-based instruction is the most cost-effective way to increase educational achievement.

However, the special concern I want to share with you tonight is that our classrooms still in large part are enclosures in which a single teacher trying to communicate with a large group. And studies have repeatedly demonstrated that the larger the group, the worse the learning. But the fundamental problem is not the size of the classes, but the limitations of relying on one to many communication as the core of teaching.

I do not want us to tear down the walls around our classrooms. I want us to pierce them by connection of what we all now copy the Vice President by calling the information highway. Teachers are ready: a recent NEA study showed that most teachers appreciate the benefits of these advanced technologies and feel that, when given the tools, they have been more effective teachers because of technology. School districts, in places like Issaquah, WA, have already leveraged the investment of money by using students and parents to set up and run their interactive networks.

There are in this country only about 100,000 schools and 20,000 libraries. Within each school there are on average about 20 classrooms. (No one seems to know precisely how many.) It is readily possible for us to connect the interactive networks to the two million classrooms in the country's schools.

But today, we are far from that goal.

Only about one-eighth of all classrooms have a telephone line. Only 4% have a modem to connect a computer to other computers, to the great electronic storehouses of knowledge that are proliferating everywhere, to President Clinton and Vice President Gore on Internet, to—most importantly—other kids and other teachers in other classrooms.

The extension of the networks to the classrooms—first the current phone networks and eventually the great broadband networks of the near future—is the great event that in Gould's phrase, will punctuate, the static equilibrium of learning and cause profound change in education.

There are two reasons. First, an interactive network will create an explosion of learning by two-way communication. The one teacher addressing the single group of students is one to many discourse. Yet over the network, communication will be from many to many. When all the students participate, the teacher knows learning is happening and a community of knowledge is being built. Just as the great books, whether Newberry Award or Booker Prize winners, create a community of readers, so the great network will build communities of knowledge and learning among all teachers and all kids.

Second, the networks will allow students and teachers to escape the confines of the classroom and to join new learning groups over the networks. In the current definition of schooling children leave the classroom by occasionally moving to a different classroom, or by making the much-maligned field trip. Alternatively, they can escape by reading or, if they are lucky, looking at a computer.

When connected over networks, students can discover and participate in collective learning experiences that transcend the traditional classroom environment. These experiences will be diverse and rich. Over networks students may learn languages not spoken by any teacher in the student's school. Over networks, students may communicate not just to the pen pals of my youth, but through E-Mail, in real time to explorers in the Antarctic, as Vice President Gore did for a school in Silicon Valley in January. Over networks students may visit the vast electronic libraries that populate our new cyberspace. In the event of the networks, we can be assured that the illimitable soul of our teachers, as Emerson put it, will find boundless solutions over networks to the problems of education students with physical or learning disabilities.

Many in this country and, I am sure, in this room, share this vision. Indeed, Business Week focused on this last week with a cover story on "The Learning Revolution." As the story pointed out, education experts see interactive multimedia software as a key technology in revamping American education. Whether measured by numerous increases in test scores, or the anecdotal stories of kids' increased enthusiasm for learning, the power of interactivity to enhance education is extraordinary.

The article left no doubt that if the networks connect to the classroom, we will see an explosion of outstanding educational materials to serve our children. Savvy investors are investing millions in software to excite and to educate our children.

And on the non-profit side, Walter Annenberg recently made an astounding gift of over $500 million for the support of education. That gift came with a challenge to reform education and increase electronic access. Without such access, this gift would be too much like giving a child a book in a darkened room—linking the network to the classroom can be the light.

As Peggy Charren has always emphasized in her work on children's television, it is far better to focus on getting quality children's programming on the air than to focus only on getting bad programming off. Is there any doubt, then, that the best way to promote quality educational software is to create a market not from just the children rich enough to have personal computers at home, but for tens of millions who attend our schools everyday?

Perhaps the most visionary is George Lucas, of Star Wars fame. His Lucas Educational Foundation is leading the way into the interactive educational age. He has dedicated his Academy Award winning talents creating products which have been used by thousands of schools. When I talked to him this afternoon he described to me numerous ways in which his foundation is using technology to communicate the great ideas of our time.

Now, with the help of everyone from George Lucas to Business Week to this entire audience and beyond, I assume that like Captain Picard on Star Trek: The Next Generation, you are willing to simply "make it so." In that event, how are we going to get these networks into the classroom?

Congressman Markey has already surveyed the 20 largest telephone and cable companies to determine their views on linking America's classrooms to the information superhighway. A majority do not oppose linking the classrooms essentially for free, but they are concerned with details.

There are many questions. Should cable companies and telephone companies race each other into the classrooms?

Who does the internal wiring? Would asbestos be disturbed in some schools, electric conduits disrupted in others?

Should we set the standards for carrying capacity and interoperability?

Who will pay for transmission costs after the networks are installed? If a student calls long distance, who pays?

There are questions relating to how this will work in the classroom: What applications will be created? Who will control the content? How will students and teachers be trained? What will change in the relationship between student and teachers?

These are good questions, but when I hear them, I inwardly smile. For these are not questions about the grand unified theory of physics, or the balancing of the budget. These questions are the kind that can be readily solved and reasonably quickly. They are, in fact, questions that can be solved by you in this audience.

There is already a vehicle designed for you to help address these questions. It is S. 1822, a bill entitled the Communications Act of 1994, introduced by Senator Hollings, along with more than a dozen other Senators. When I testified about this bill last week, I told the Senators the most important part of the bill might be the language that directs the FCC to promulgate rules that will "enhance the availability of advanced telecommunications services to all public elementary and secondary school classrooms * * * and libraries."

Congressman Markey is the author of another telecommunications reform bill, H.R. 3636. This noble bill should be amended also to grant the FCC the authority to monitor and, where necessary, to compel the construction of the information highway into every classroom. I believe Congressman Markey agrees that is in the public interest to make this change.

We have a glorious opportunity in this Congress to do a very right thing, but I have not heard from a single educator or academic in support of the goal that the President outlined, that Senator Hollings aims to achieve and that Congressman Markey may well support. Certain telephone companies and cable companies have been helpful, but isn't the vision of the interactive educational enterprise compelling to Harvard? Harvard itself is going to be wired for interactivity within a few years, according to an announcement a couple of weeks ago. But all the schools and classrooms in the country should be included.

So how do we make this happen? It is most likely to happen if the people in this room join together, by forging public-private partnership to address the many issues raised by this opportunity.

We in government can help write rules but we need the wisdom of you here, a combination of not just of educators, broadcaster, and cable operators—but of utilities companies, regulators, software providers and most importantly, parents, to make it work right. This is my challenge to you—to form such a coalition and make it an effective voice for the children of America. Just as Peggy Charren fought, and is still fighting, to create quality children's programming on television, so you must together expand that fight by leading an effort for quality education technology in the classroom.

We cannot let it be the case that if you don't get into Harvard you're not on the net-

work; if you don't go to a very fine school, you're destined to be electronically illiterate: no one here would accept that policy. So won't everyone here let me know, and let others know, just how they will help pass the legislation I have talked about, and just how they want the vision of interactive education to come to pass.

Back in the 1920's, E.M. Forster offered the famous dictum "only connect." By this he advised those of the lost generation awash with the cynicism created by the horror of the First World War, to focus not on the tragedies of life but on the joy of connecting with individual human beings.

When one looks at a number of statistics about the state of our schools, and the children in them, one could easily choose the path of despair. And there are many problems that linking the classroom won't solve.

But while Forster couldn't have foreseen it, his advice to "only connect" is an appropriate and utterly liberal paradigm for the generation coming up in the 1990s.

You in this group, at any rate, can make it so, if you wish.

Thank you very much for inviting me.●

SOUTH AFRICA'S MIRACLE

● Mr. SIMON. Mr. President, seldom is world-shaking news good.

But when Nelson Mandela stood to take the oath of office as President of South Africa, that electrified much of the world, for the good.

Almost 10 years ago I made my first trip to South Africa and came away convinced that that nation was headed toward one of the bloodiest civil wars in history, in which millions of people would die. Few then would have disagreed with that analysis.

Significantly, there were voices of reason within South Africa and outside of it, urging a change in policy, but they appeared to be muffled by the much louder voices of the extremists on both sides.

Some religious leaders spoke out; university campuses had a few voices of reason in their midst; the United States and other nations had an economic boycott. But the chance for a real change in policy seemed remote.

Two key people—one white and one black—played a decisive role in the miracle. F.W. de Klerk became President, someone whom many regarded as a caretaker leader until a more dynamic one emerged. But he startled South Africa and the world by freeing Nelson Mandela after 27 years in prison and by calling for the end of the stifling system of segregation in that country called apartheid.

And Nelson Rolihlahla Mandela, after 27 years in prison, emerged as a dignified man with one amazing, almost unbelievable trait: not a touch of bitterness.

The rest you know.

I had the privilege of being at the inauguration a few days ago, at the request of President Clinton, in a delegation headed by Vice President AL GORE and First Lady Hillary Rodham Clinton. The other Senator present was my colleague from Illinois, CAROL MOSELEY-BRAUN.

Those who predicted violence even at the inauguration saw a dignified ceremony with whites and blacks working together. Among others present for the event were three of the guards who kept Nelson Mandela in prison. He invited them. Nelson Mandela reached out to everyone, including his predecessor, F.W. de Klerk, asking him to serve as a Vice President, which he now does.

The chasm between blacks and whites in South Africa has been greater than in the United States or in any nation. Yet that chasm is now being bridged.

What a great tribute, not only to President Mandela and Vice President de Klerk, but to the people of South Africa.

If in South Africa people can reach across huge barriers to establish a better society, can't it also happen in Bosnia, in Northern Ireland, in Rwanda, in the Middle East—and even in Chicago, Washington, DC, and New York City?

We should not view the scene in South Africa as something that simply happens in a distant nation, but as the inspiration to all of us to do better, wherever we live.●

MEASURES READ THE SECOND TIME AND PLACED ON CALENDAR

Mr. BAUCUS. Mr. President, I ask unanimous consent that it be in order for those items currently listed under bills and joint resolutions read the third time to be considered to have received their second reading, en bloc, and objection having been heard to further proceedings, the measures be placed on the calendar as provided for under rule XIV, paragraph 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. BAUCUS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. Tuesday, May 17; that following the prayer, the Journal of the proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senators WELLSTONE and DORGAN recognized for up to 15 minutes each; that at 10 a.m., the Senate resume consideration of S. 2019, the safe drinking water bill; further, that on Tuesday, the Senate stand in recess from 12 noon to 2:30 p.m. in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TUESDAY, MAY 17, 1994, AT 9:30 A.M.

Mr. BAUCUS. Mr. President, If there is no further business to come before the Senate—and I see no other Senator seeking recognition—I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 6:06 p.m., recessed until Tuesday, May 17, 1994, at 9:30 a.m.

NOMINATION

Executive nomination received by the Senate May 16, 1994:

DEPARTMENT OF STATE

MARY ANN CASEY, OF COLORADO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TUNISIA.

EXTENSIONS OF REMARKS

TRIBUTE TO AMERICA'S FIGHTING FORCES

HON. HERBERT H. BATEMAN
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Monday, May 16, 1994

Mr. BATEMAN. Mr. Speaker, I would like to bring to the attention of my colleagues in the House of Representatives an article recently published in the Newport News Daily Press by Gen. Frederick M. Franks, Jr., commander in chief, U.S. Army training and doctrine command. General Franks has written what I believe to be a truly moving testament to the quality of our men and women who serve in the Armed Forces and the way in which they unfailingly attain new heights in courage and dedication at times of greatest adversity. From the forests of the Ardennes to the mountains of Korea, from the jungles of Vietnam to the deserts of Iraq and Somalia, America's fighting men have continuously proven their willingness to sacrifice themselves for their fellow soldiers and for their country. Perhaps nowhere is this spirit of sacrifice and dedication more prevalent than among those who return from the battlefield permanently disabled, and Frederick Franks belongs in the group, having lost a leg in Vietnam. It is that category of veteran and military retiree that is the focus of General Franks' article and I highly recommend my colleagues read it.

HEROES ON THE BATTLEFIELD OR THE SKI SLOPES

(By Frederick M. Franks Jr.)

We do not have to look up heroes in history books. They are all around us every day. American heroes. They are Americans from all across America who look like America. They are soldiers and their families. They are volunteers—reaching out to serve when needed with a hand to help and a heart to care.

I recently went to Fort Bragg, N.C., to visit with fellow soldiers injured in the tragic accident March 23 at Pope Air Force Base. President Clinton, Secretary of the Army Togo West and Chief of Staff of the Army, Gen. Gordon Sullivan had all previously visited our soldiers.

Lt. Gen. Hugh Shelton, XVIII Airborne Corps commander, took me for a brief visit to the accident site before going to the hospital. It was a battlefield scene. And as I listened to accounts of the accident I visualized all the battlefield behavior I have seen of American soldiers in combat: soldiers helping each other—medics, volunteers and leaders moving swiftly to the scene.

I have seen combat and I have been among heroism on the battlefield in two wars in Vietnam and Iraq. I also have seen brave soldier-heroes in hospitals from Vietnam to Valley Forge and Saudi Arabia to Walter Reed. Now there, listening, I saw it all again—American soldiers rising to a moment that they did not choose.

Later visiting with injured soldiers in the hospital, I was struck with their courage and selflessness. They asked about their fellow soldiers. They talked about getting back to duty. They talked about those who had died or others hurt worse than they. They talked about anything but themselves.

They were hurt and down but already on the way back. They were inspiring to be with. They are your soldiers—America's Army. They are sons and daughters, husbands and wives, brothers and sisters. American soldiers.

That same day I went to Crested Butte, Colo., for the opening ceremonies of the National Disabled Veterans Winter Sports Clinic. This is a week sponsored by the Department of Veterans Affairs and the Disabled American Veterans (DAV) with significant corporate assistance.

It was started by Sandy Trombetta, clinic organizer and director, eight years ago when he reached out to a disabled veteran and began a dream. This year his dream included more than 240 veterans who were amputees, visually impaired or had spinal cord injuries. They assembled at Crested Butte to receive rehabilitation through skiing, snowmobiling, swimming and other vigorous sports. Two veterans were from our VA Hospital in Hampton and two soldier-amputees were from actions last fall in Somalia.

But there was more there than athletics. There were Americans reaching out to each other: veterans, volunteers from Crested Butte and across America, craftsmen configuring prosthetic ski devices on-the-spot out of the back of a truck, doctors, prosthetists, Sandy Trombetta, and Bruce Nitsche and Art Wilson from the National Headquarters of the DAV pulling it all together. Americans from our wars and other operations were there: World War II, Korea, Vietnam, Desert Storm and Somalia. These are American veterans who get a reminder every day as they get in their wheelchair, strap on their prosthesis, or reach for their cane—it never goes away.

Who are they? They are the same Americans I saw at Fort Bragg and other places in the past who did what their country asked. And they are supported by other Americans who did not go away and who did not forget, Americans who long after the battles remain, remember and then continue their commitment of reaching out to help veterans help themselves. Communication without words. All of it—selfless service.

After speaking by phone to Maj. Gen. Mike Steele, 82d Airborne Division commander, who had just finished visiting his soldiers at Brooke Army Hospital in San Antonio, Texas, I went to Brooke Army Hospital on my way back from Colorado and was permitted to visit the wards with most of the very seriously burned soldiers from Fort Bragg. I was escorted by Col. (Dr.) Basil A. Pruitt, commander and director of the U.S. Army Institute of Surgical Research (U.S. Army Burn Center), and Brig. Gen. Mike Canavan, assistant division commander of the 82d Airborne Division. I was met there by Col. Elizabeth Greenfield, chief nurse.

I also was able to talk with some soldier-families in a splendid family assistance center staffed mostly with volunteers and set up at Fort Sam Houston. I have seen heroic actions on the battlefield and I have personally felt the pain of combat as well as the physical and emotional battles on the long road back. But I was not ready for the heroism I saw again in Texas.

Every soldier I visited who could talk said to me either "hooah," "airborne" or "all the way." Now that is soldier talk for a lot of things, but mainly it is about soldiers fighting through enormous pain and grabbing onto the verbal symbols of the toughness and commitment to each other that bind them together and make them so great in service to America. They are the best of America. They are the best we have. Selfless and courageous.

I spoke to each soldier, but more communication passed between us than words. They said more to me about courage, selfless service and trust than I could ever describe.

They are American soldiers, being cared for by other soldiers and airmen and soldier-doctors—the best caring for the best. Reaching out to each other, they are the strength of America. They trust each other. There is something noble, good and right about such American soldiers. I was honored to be in their presence.

"Don't worry, general, we trust you," a soldier in VII Corps' 3d Armored Division said to me before we attacked into Iraq in 1991. U.S. Army Rangers in Mogadishu on Oct. 3, 1993, reached back for their fellow soldiers and fought all night protecting each other. And in each of these visits I heard it again, "I'll be OK. How's so and so? I'm not as bad as. . . . I'll be back jumping in no time. Hooah; airborne." And earlier, "I'd do it again even though I lost an arm and a leg if none of my soldiers were hurt."

Heroes. All around us. They are not from some other planet or strangers from a history book.

Where do they come from? How do we get such people?

They come from America and they are us. They reach out to each other and reach out to serve a cause greater than themselves. They were hurt badly but were thinking of what they had—not what they did not have—and what to make of that.

I count myself lucky to be among such Americans, to walk in their ranks, to both serve them and be entrusted to lead them. Look around you and find the best in America. It's all around us every day. We notice it during tough times. It was especially all around me on these three powerful days.

Please include a prayer for these heroic Americans still in hospitals or recovering, and for their families and the families of those who died.

THE ROLE OF WOMEN IN SCIENCE

HON. ANNA G. ESHOO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, May 16, 1994

Ms. ESHOO. Mr. Speaker, I rise to inform Members about an important hearing today in the House Energy Subcommittee which I co-

chaired with Chairwoman MARILYN LLOYD. The hearing focused on the role of women in science.

The hearing was unprecedented because it was the first time a subcommittee under Science, Space, and Technology received testimony from an all-female panel. I commend Chairwoman LLOYD's leadership to include more women at these hearings.

Also participating in the hearing were eight young women who sat in Members' seats and listened to testimony. These young women asked insightful, probing questions of the witnesses and voiced their apprehensions and aspirations about careers in science. I encourage these young women to follow through with their dreams to pursue careers in the sciences.

The questions asked at today's hearing were important because they provided substance to the criticism that women are underrepresented in scientific fields.

While women in general are underrepresented in the sciences, their representation on our country's most prestigious scientific bodies is even worse. In the 1990's the National Academy of Science inducted an average of 6 women in each new class of 60. This rate must improve if young women are to be provided with model scientists to emulate.

The same message came through loud and clear from the eight women scientists who testified before the subcommittee today. They offered words of encouragement to the young women to overcome obstacles to careers in these fields.

I thank them for their efforts and thank Chairwoman LLOYD for her 20 years of leadership in this area. Our young women need to hear again and again that they can and should aspire to successful careers in science and we in the Congress will help make their dreams come true.

THE ARMENIAN GENOCIDE

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 16, 1994

Mr. PENNY. Mr. Speaker, April 24, 1994, marked the 79th anniversary of the Armenian genocide. From 1915 to 1923, 1.5 million Armenian men, women, and children were either deported or exterminated by the Ottoman Empire. By the end of 1923, the Armenian population of Turkey ceased to exist.

Even today, Mr. Speaker, there are those who deny that genocide against the Armenians ever happened. The Government of Turkey has not acknowledged the truth, claiming instead that the Armenians were victims of World War I. However, the truth about the genocide was evident to Henry Morganthau, U.S. Ambassador to the Ottoman Empire between 1913 and 1916. After visiting the Armenian territories, Morganthau reported back to Washington:

I am confident the whole history of the human race contains no such horrible incident as this. The great massacres and persecutions of the past seem insignificant when compared to the sufferings of the Armenian race in 1915.

Sadly, the Armenian genocide was not an isolated incident in the world. We must never forget the Jewish Holocaust or the Cambodian genocide. I fear that the same thing may be occurring in Rwanda today. A world that forgets or turns its back on such tragedies is a world that will see them repeated. We cannot afford to send the message that genocide is an acceptable form of behavior in the world community.

As we commemorate the tragedy of the Armenians earlier this century, let us focus our attention on the current situation in Armenia and Azerbaijan, and the disputed region of Nagorno-Karabakh. Mr. Speaker, it would be easy to blame the Azerbaijanis for all of the current problems in the Caucasus. Azerbaijan has enacted a crippling economic blockage on Armenia, causing untold hardship on the Armenian people. It has denied a 75-percent majority of ethnic Armenians in Nagorno-Karabakh the right to self-determination. However, this is only part of the story. Armenians in Nagorno-Karabakh over the last year have attacked and taken control over Azerbaijani territory outside of Karabakh.

We must show displeasure with both Armenians and Azerbaijanis for aggression and disregard for basic human rights. The humanitarian standards for civilians on both sides of the conflict have continued to deteriorate over the past year.

Mr. Speaker, I do have some concerns about U.S. humanitarian assistance to the region. The Freedom Support Act has specifically excluded Azerbaijan from receiving assistance. Under section 907, the Government of Azerbaijan is prohibited from receiving any humanitarian assistance "until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh."

The Freedom Support Act specifies that all recipients of U.S. aid must respect human rights. Yet Armenia has violated some of the same specific points required by Azerbaijan. It has prevented trade from reaching Nakhichevan, a part of Azerbaijan that lacks any direct land link to the rest of Azerbaijan. Yet only Azerbaijan is held responsible for failing to trade with Armenia. Armenia has not respected the rights of ethnic Azerbaijans living in Armenia. According to the United States Committee for Refugees, a neutral third-party observer, Azerbaijanis living in Armenia have fled as a result of persecution.

Section 907 also prohibits "offensive uses of force." During the past year, we have witnessed ethnic Armenians increasingly resort to offensive uses of force in Azerbaijan. The U.N. Security Council in 1993 condemned the continued aggression by ethnic Armenian forces outside of Nagorno-Karabakh through Resolutions 822, 853, 874, and 884. Azerbaijani forces have been in retreat during the past year, yet we continue to penalize them for using offensive uses of force.

Mr. Speaker, both sides of this conflict must be held accountable for their actions. I am convinced that the prohibition of assistance to Azerbaijan as dictated under section 907 runs counter to our strategic and humanitarian interests in the Caucasus. Our current strategy has not contributed to a peaceful solution to this conflict and has most certainly caused enormous suffering to innocent civilians. If we ever hope to play the role of an honest broker in the region, we must treat both parties in an even-handed manner and encourage them to move forward toward a lasting solution.

Therefore, I propose that we rescind section 907 of the Freedom Support Act. If we cannot summon the courage to repeal section 907, which prohibits humanitarian aid to the people of Azerbaijan, we must then encourage the nongovernmental bodies such as the American Red Cross and the Adventist Development Relief Agency to continue delivering humanitarian assistance to all victims in the region.

So today, Mr. Speaker, let us commemorate past atrocities by calling attention to the continued killing of Armenians and Azerbaijanis. Ethnic hatred continues to cause the needless deaths of innocent civilians in this region. We must reexamine our policy and increase our efforts to help both sides find an enduring and just peace.

COMMENDING THE ST. CROIX ENVIRONMENTAL ASSOCIATION

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 16, 1994

Mr. DE LUGO. Mr. Speaker, I rise to commend the St. Croix Environmental Association for being chosen to receive U.S. Environmental Protection Agency's 1994 Environmental Quality Award, one of just 25 given out nationwide.

The EPA cited the St. Croix Environmental Association, known as SEA, for its education and preservation programs, its ocean and water monitoring, litter cleanups, and "Releaf Teams" to replace trees lost during Hurricane Hugo in 1989.

SEA also played a key role in supporting my legislation that established the Salt River Historical Park and Ecological Preserve on St. Croix, one of the Virgin Islands' and our Nation's richest and most important places.

An organization is only as effective as its leadership and its members. Over the past decade, SEA has grown from just a few members to one of the largest and most influential public interest groups in the Virgin Islands.

SEA is proof positive of how much individuals can do when they get together, organize, set goals, and invest a lot of hard work.

Congratulations, members of SEA. You have made a real difference in the quality of life on St. Croix.

HONORING CARMEN ZAPATA

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 16, 1994

Mr. BECERRA. Mr. Speaker, I rise today and address this House to recognize Ms. Carmen Zapata, a grand American, for her com-

mitment to the arts and to the community of Los Angeles.

Since 1973, Carmen Zapata has been the president, producing director, and cofounder of the Bilingual Foundation of the Arts [BFA], a performing arts organization dedicated to presenting the Latino experience and culture, through the medium of bilingual theater productions, to both English- and Spanish-speaking audiences.

Ms. Zapata has been quoted as saying, 'Hispanic drama is recognized throughout the world, and deservedly so. But because of the language barrier, it's not well-known to this country." Bringing Hispanic drama to Los Angeles has taken hard work and determination, two qualities inscribed with Carmen Zapata's name.

Ms. Zapata has devoted more than two decades to the Bilingual Foundation of the Arts, which is celebrating its 21st anniversary on May 20, 1994. The foundation stages three plays a year, ranging from classical to contemporary, by playwrights from the United States, Mexico, Central and South America, the Caribbean, and Spain. Ms. Zapata has rightfully received much acclaim for these productions.

She works closely with the Los Angeles Unified School District to bring the works of great Latino authors to students. Since 1985, the bilingual Foundation of the Arts has dispatched two touring bilingual youth productions each year throughout southern California—one to grade schools and another to middle and high schools.

The youngest of three children of a Mexican-born father and an Argentine-born mother, Ms. Zapata grew up in New York's Spanish Harlem. In 1945, fresh out of high school, she landed her first role in the Broadway musical "Oklahoma!" After several years on Broadway, she took to the road and appeared throughout the country as a stand-up comedienne. Since moving to Los Angeles in 1965, Ms. Zapata has appeared in numerous television and film productions. Her numerous credits include the television series "Viva Valdez," "The Bold Ones," "Hunter," "Santa Barbara," and the recent and successful film "Sister Act."

During more than 40 years in the performing arts, Ms. Zapata has enjoyed a highly diversified career as an actress, producer, translator, and lecturer/narrator. Ms. Zapata has received many awards in appreciation of her contributions in the areas of education, community service, and performing arts.

"Art is expression," Ms. Zapata once said, "and if you know what people feel and think, then you know what people are. And once you begin to understand that, we can begin to live together peacefully * * *"

The arts are, above all, about human communication and interaction. I am one who believes that Ms. Carmen Zapata has achieved the fullest definition of a role model, not only as a woman, a Latina, and an artist, but as an ambassador of creativity and goodwill. She has shared the beauty of the Spanish language and the written word with our multicultural community that is Los Angeles.

Mr. Speaker, on May 20, 1994, friends and supporters will gather at a special dinner to celebrate the Bilingual Foundation of the Arts' 21st anniversary. On this same evening, I would like to ask my colleagues to join me in saluting an exceptional woman, Carmen Zapata, for her outstanding service and many contributions to the arts, to Los Angeles, and to all who love the magic and vitality of art.

BETTER PHARMACEUTICALS FOR CHILDREN

HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 16, 1994

Mr. KREIDLER. Mr. Speaker, pharmaceutical research and development has brought us thousands of life-saving medicines. Most of these drugs have been developed and tested in clinical trials for adults, with much less research on their uses and effects for children.

One reason is that the Food and Drug Administration typically approves new drugs on the basis of studies conducted with adults. Drug manufacturers have little incentive to undertake costly additional research on drug and dosage effects on children, who are usually a small segment of the market for a new drug.

That means fewer than a third of prescription drugs are labeled for pediatric use. Physicians can still prescribe them for children, but they have to estimate the appropriate doses. Estimates can be uncertain, especially because young children often metabolize drugs differently from adults. Some drugs can be less safe in children than in adults, even when appropriate doses are used, and side effects can sometimes be different.

There is increasing concern among pediatricians and other health professionals about the lack of child-centered pharmaceutical research, and the need to encourage more. That's why I am introducing the Better Pharmaceuticals for Children Act with my colleagues Congresswoman JOLENE UNSOELD and Congressman ROY ROWLAND. Similar legislation has been introduced in the Senate.

This bill would establish a 6-month period of market exclusivity for new drugs whose manufacturers conduct pediatric studies at the request of the Secretary of Health and Human Services. Such studies would lead to appropriate labeling of drugs for treating children and take the guesswork out of an important part of medical practice.

The bill does not allow a manufacturer to avoid competition simply because it wants to. The studies must be requested, and the protocols approved, by the Secretary of Health and Human Services. And the period of market exclusivity is limited to 6 months, regardless of how long pediatric studies may take.

Mr. Speaker, the Better Pharmaceuticals for Children Act is a valuable step toward better medical care for all America's children. I urge my colleagues to support it.

The text of the bill follows:

H.R. ——

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Better Pharmaceuticals for Children Act".

SEC. 2. PEDIATRIC STUDIES MARKETING EXCLUSIVITY.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 501 et seq.) is amended by inserting after section 505 the following new section:

"PEDIATRIC STUDIES FOR NEW DRUG APPLICATIONS

"SEC. 505A. (a) If an application submitted under section 505(b)(1) is approved on or after the date of enactment of this section, and such application includes reports of pediatric studies described and requested in subsection (c), and such studies are completed and the reports thereof submitted in accordance with subsection (c)(2) or completed and the reports thereof accepted in accordance with subsection (c)(3), the Secretary may not make the approval of an application submitted under section 505(b)(2) or section 505(j) which refers to the drug for which the section 505(b)(1) approval is granted effective prior to the expiration of 6 months from the earliest date on which the approval of such application for the drug under section 505(b)(2) or section 505(j), respectively, could otherwise be made effective under the applicable provisions of this chapter.

"(b) If the Secretary makes a written request for pediatric studies described in subsection (c) to the holder of an approval under section 505(b)(1) for a drug, and such studies are completed and the reports thereof submitted in accordance with subsection (c)(2) or completed and the reports thereof accepted in accordance with subsection (c)(3), the Secretary may not make the approval of an application submitted under section 505(b)(2) or section 505(j) which refers to the drug subject to the section 505(b)(1) approval effective prior to the expiration of 6 months from the earliest date on which an approval of such application under section 505(b)(2) or section 505(j), respectively, could otherwise be made effective under the applicable provisions of this chapter. Nothing in this subsection shall affect the ability of the Secretary to make effective a section 505(b)(2) or section 505(j) approval for a subject drug if such approval is proper under such subsection and is made effective prior to the submission of the reports of pediatric studies described in subsection (c).

"(c)(1) The Secretary may, pursuant to a written request for studies after consultation with the sponsor of an application or holder of an approval for a drug under section 505(b)(1), agree with the sponsor or holder for the conduct of pediatric studies for such drug.

"(2) If the sponsor or holder and the Secretary agree upon written protocols for such studies, the studies requirement of subsection (a) or (b) is satisfied upon the completion of the studies in accordance with the protocols and the submission of the reports thereof to the Secretary. Within 60 days after the submission of the report of the studies, the Secretary shall determine if such studies were or were not conducted in accordance with the written protocols and reported in accordance with the Secretary's requirements for filing and so notify the sponsor or holder.

"(3) If the sponsor or holder and the Secretary have not agreed in writing on the protocols for the studies, the studies requirement of subsection (a) or (b) is satisfied when such studies have been completed and the reports accepted by the Secretary. Within 90 days after the submission of the reports of the studies, the Secretary shall accept or reject such reports and so notify the sponsor or holder. The Secretary's only responsibility in accepting or rejecting the reports shall be to determine, within 90 days, that the studies fairly respond to the written request, that such studies have been conducted in accordance with commonly accepted scientific principles and protocols, and that such studies have been reported in accordance with the Secretary's requirements for filing.

"(4) As used in this section, 'pediatric studies' or 'studies' means at least 1 human clinical investigation in a population of adolescent age or younger. At the Secretary's discretion, pharmacokinetic studies may be considered as clinical investigations.

"(d) If the Secretary determines that an approval of an application under section 505(b)(2) or section 505(j) for a drug may be made effective after submission of reports of pediatric studies under this section but before the Secretary has determined whether the requirements of subsection (c) have been satisfied, the Secretary may delay the effective date of any approval under section 505(b)(2) or section 505(j), respectively, until the determination under subsection (c) is made, but such delay shall not exceed 90 days. In the event that the requirements of

this section are satisfied, the 6-month period referred to in subsection (a) or (b) shall be deemed to have begun on the date an approval of an application under section 505(b)(2) or section 505(j), respectively, would have been permitted absent action under this subsection.

"(e) The Secretary shall publish notice of any determination that the requirements of subsection (c)(2) or (c)(3) have been met and that approvals for the drug will be subject to deferred effective dates under this section.".

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 17, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 18

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To resume hearings on the childhood immunization program.
SD-192

Commerce, Science, and Transportation
To resume hearings on S. 1822, to safeguard and protect the public interest while permitting the growth and development of new communications technologies, focusing on Titles I-III relating to competition for local telephone service and universal service.
SR-253

Foreign Relations
To hold hearings on the nominations of Jan Piercy, of Illinois, to be United States Executive Director of the International Bank for Reconstruction and Development, and Sally A. Shelton, of Texas, to be an Assistant Administrator of the Agency for International Development.
SD-419

2:00 p.m.
Environment and Public Works
To hold hearings on the U.S. Army Corps of Engineer Civil Works program and its policies on recreation and environmental protection.
SD-406

Foreign Relations
To hold hearings on the nomination of Timothy A. Chorba, of the District of Columbia, to be Ambassador to the Republic of Singapore.
SD-419

MAY 19

8:00 a.m.
Labor and Human Resources
Business meeting, to consider proposed legislation to provide for health care security.
SD-430

9:30 a.m.
Armed Services
Business meeting, to discuss pending military nominations.
SR-222

Governmental Affairs
To hold hearings on regulatory review of the Paperwork Reduction Act.
SD-342

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on S. 2095, to reform the Federal crop insurance program.
SR-332

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Veteran's Affairs, and the Selective Service System.
SD-106

2:00 p.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine risks and regulation of financial derivatives.
SD-538

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on H.R. 3252, to provide for the conservation, management, or study of certain rivers, parks, trail and historic sites, H.R. 4034, to revise the Urban Park and Recreation Recovery Act of 1978 to authorize grants for the expansion of recreation opportunities for at risk youth in urban areas with a high prevalence of crime, S. 523, to expand the Fort Necessity National Battlefield, S. 2089, to authorize the establishment of the Steamtown National Historic Site, and other pending bills and resolutions.
SD-366

Labor and Human Resources
Business meeting, to continue mark up of proposed legislation to provide for health care security.
SD-430

3:00 p.m.
Environment and Public Works
Superfund, Recycling, and Solid Waste Management Subcommittee
Business meeting, to discuss markup procedures for proposed Superfund reauthorization legislation.
SD-628

MAY 20

8:00 a.m.
Labor and Human Resources
To continue mark up of proposed legislation to provide for health care security.
SD-430

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Veteran Affairs and Housing and Urban Development, and independent agencies.
SD-138

9:30 a.m.
Governmental Affairs
Regulation and Government Information Subcommittee
To hold hearings to examine whether certain medical device materials are a threat to public health.
SD-342

MAY 24

9:30 a.m.
Armed Services
Business meeting, to discuss issues relating to markup of the proposed National Defense Authorization Act for Fiscal Year 1995.
SR-222

Energy and Natural Resources
To hold hearings on the science concerning global climate change.
SD-366

Indian Affairs
To hold hearings on S. 2075, to reauthorize and improve programs of the Indian Child Protection and Family Violence Prevention Act, and provisions of S. 2074, to increase the special assessment for felonies and improve the enforcement sentences imposing criminal fines.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on strategic programs.
SD-192

Commerce, Science, and Transportation
To resume hearings on S. 1822, to safeguard and protect the public interest while permitting the growth and development of new communications technologies, focusing on local competition and universal service.
SR-253

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance programs, focusing on export promotion.
SD-138

Energy and Natural Resources
To hold hearings on proposed legislation authorizing funds for programs of the Energy Policy and Conservation Act, and S. 2032, to revise the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States.
SD-366

MAY 25

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on organized crime and its impact on the United States.
SD-342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of the Interior.
S-128, Capitol

10:30 a.m.
Commerce, Science, and Transportation
To continue hearings on S. 1822, to safeguard and protect the public interest while permitting the growth and development of new communications technologies, focusing on education and telecommunications infrastructure.
SR-253

MAY 26

9:00 a.m.
Armed Services
Business meeting, to discuss procedures for markup of the proposed National Defense Authorization Act for Fiscal Year 1995.
SR-222

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1350, to revise the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions.
SR-253

Energy and Natural Resources
To hold hearings to examine policy options for the disposition of excess weapons plutonium.
SD-366

Rules and Administration
Business meeting, to mark up S. 1824, Legislative Reorganization Act, H.R. 877, Smithsonian National African American Museum, an original bill authorizing appropriations for fiscal year 1995 for the Federal Election Commission, S. Res. 196, printing resolution for Aging Committee, an original resolution authorizing the purchase of 1995 wall calendars, H. Con. Res. 222, authorizing acceptance and placement of a bust in the Capitol, and other legislative business.
SR-301

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Aeronautics and Space Administration.
SD-106

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on S. 1989, to prohibit the transfer and novation of an insurance policy without the prior informed written consent of the policyholder.
SR-253

JUNE 8

9:30 a.m.
Indian Affairs
To hold hearings on S. 1936, to provide for the integrated management of Indian resources, and S. 2067, to establish an Assistant Secretary for Indian Health, and to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services.
SR-485

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings proposed budget estimates for fiscal year 1995 for the Department of Energy.
S-128, Capitol

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine water quality and quantity problems and opportunities facing the lower Colorado River area.
SD-366

JUNE 9

9:30 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To continue hearings on water quality and quantity problems and opportunities facing the lower Colorado River area.
SD-366

JUNE 15

9:30 a.m.
Indian Affairs
To hold hearings on S. 2036, to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act.
SR-485

JUNE 16

9:30 a.m.
Rules and Administration
To hold hearings on S.Res. 69, to require that an evaluation of the financial impact that any Federal mandates would have on State and local governments be included in the committee report accompanying each bill or resolution containing such mandates, S.Res. 157, to require a supermajority for committee approval of bills containing unfunded Federal mandates, and S.Res. 158, to require a supermajority for Senate approval of bills or amendments containing unfunded Federal mandates.
SR-301

CANCELLATIONS

MAY 19

2:30 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for rail safety programs.
SR-253

POSTPONEMENTS

MAY 17

10:30 a.m.
Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on S. 825, to revise title 28, United States Code, to permit a foreign state to be subject to the jurisdiction of Federal or State courts in any case involving an act of international terrorism.
SD-226

MAY 19

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense.
SD-192